



**US Army Corps  
of Engineers®**  
New York District

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**WESTCHESTER COUNTY STREAMS,  
BYRAM RIVER BASIN  
FLOOD RISK MANAGEMENT FEASIBILITY STUDY  
FAIRFIELD COUNTY, CONNECTICUT AND WESTCHESTER COUNTY, NEW YORK  
FINAL INTEGRATED FEASIBILITY REPORT & ENVIRONMENTAL  
IMPACT STATEMENT**

**APPENDIX A.6:  
Coastal Zone Management Compliance Statements**



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BYRAM RIVER BASIN**

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**APPENDIX A6-1:**

**Town of Greenwich and State of Connecticut  
Coastal Zone Management Compliance Statement**

This Appendix documents the compliance of the Byram River Flood Risk and Management Feasibility Study with the Coastal Zone Management Program Policies of Connecticut. The Town of Greenwich follows state coastal management policies and does not have a Local Waterfront Revitalization Program (LWRP) or equivalent program, therefore no local policies exist with which the Project would need to establish consistency. This appendix is supplementary to the Coastal Management Consistency Review Form (the CMCR Review Form) for Federal Activities (CT-DEEP, Rev. 10/01/13), which is included as Attachment A to this appendix. Parts 1 through 4 of the CMCR Review Form are currently incomplete, lacking certain detailed information that will be determined at a later date. This appendix contains a narrative of consistency determinations to applicable policies identified in Parts 5 and 6 of the CMCR Review Form.

## 1. CONSISTENCY OVERVIEW

**Project:** Byram River Flood Risk and Management Feasibility Study, Greenwich, Connecticut

**Applicant:** U.S. Army Corps of Engineers (USACE), New York District (District)

**Applicable Policies:** Based on a review of the Connecticut Coastal Management Act (CCMA), CGS § 22a-92(a)(1), 22a-92(a)(2), 22a-92(a)(4), 22a-92(a)(5), 22a-92(a)(9), 22a-92(b)(1)(D), 22a-92(b)(1)(F), 22a-92(b)(1)(J), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 22a-92(c)(1)(B), 22a-92(c)(1)(F), 22a-92(c)(1)(G), 22a-92(c)(1)(H), 22a-92(c)(1)(K), 22a-92(c)(2)(A), 22a-92(c)(2)(B), 22a-93(15), and 22a-93(17) are applicable to the Project.

**Consistency Determination:** The applicable policies were evaluated with respect to the Project's consistency with their stated goals. The Project has been found to be consistent with each policy.

## 2. PROJECT DESCRIPTION

The Byram River Flood Risk Management Feasibility Study area is in the Town of Greenwich, Fairfield County, Connecticut and the Village of Port Chester, Westchester County, New York. The Town of Greenwich and the Village of Port Chester have been subjected to repeated, severe flooding caused by overflow of the Byram River due to precipitation of high intensity, large amounts, or prolonged duration. The source of fluvial flooding in the town is the Byram River.

The U.S. Route 1 northern bridge (southbound) and the U.S. Route 1 southern bridge (northbound) over the Byram River in Port Chester, NY (west side of the river) and Greenwich, CT (east side of the river) are classified as Urban Principal Arterial roadways by ConnDOT. Both of these bridges create upstream flooding during the 2% and 1% storm events.

The Project involves removing the existing bridges over the Byram River and replacing them with similar bridges at an elevation approximately three feet higher than the current elevation. The existing bridges currently cause flow from the Byram River to back up and exacerbate flooding upstream. Therefore, raising the elevation of the bridges and removing the existing abutments and

center pier would lower the water surface by two to four feet during for the 1% flood event, also known as the 1% annual chance flood. Minor channel improvements around the bridge abutments are also proposed to improve the hydraulic efficiency of the river channel.

The flood risk management Project is compatible with adjacent uses and will provide for protection of coastal resources. The Project will provide improved flood protection for the Town of Greenwich and Village of Port Chester, NY which will benefit the local economy by protecting commercial businesses. The Project will not adversely affect existing uses, or the economies of the Town of Greenwich and the Village of Port Chester. The Project will benefit the continued and future water-dependent uses and facilities located within the regional coastal zone area.

### **3. IDENTIFICATION OF THE APPLICABLE ENFORCEABLE POLICIES**

#### **3.1. Coastal Resources and Associated Enforceable Policies**

Table 1 of the Coastal Management Consistency Review Form for Federal Activities was evaluated to identify on-site, adjacent, and/or potentially affected State-statutorily defined coastal resources. The following coastal resources and associated enforceable policies were found to be applicable to the Project.

- General Coastal Resources
- Coastal Hazard Area
- Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters

#### **3.2. Coastal Uses and Associated Enforceable Policies**

Table 2 of the Coastal Management Consistency Review Form for Federal Activities was evaluated to identify existing and proposed State-statutorily defined coastal uses potentially affected by the Project. The following coastal resources and associated enforceable policies were found to be applicable to the Project.

- General Development
- Coastal Structures and Filling
- Flooding and Erosion
- Transportation

#### **3.3. Potential Adverse Impacts on Coastal Resources**

Table 3a of the Coastal Management Consistency Review Form for Federal Activities was evaluated to identify potential adverse impacts on coastal resources. The Project was found to have no potential adverse impacts on coastal resources.

### 3.4. Potential Adverse Impacts on Water-dependent Uses and Opportunities

Table 3b of the Coastal Management Consistency Review Form for Federal Activities was evaluated to identify potential adverse impacts on water-dependent uses and opportunities. The Project was found to have no potential adverse impacts on water-dependent uses and opportunities.

## 4. CONSISTENCY ANALYSIS

### 4.1. Coastal Resources and Associated Enforceable Policies

#### 4.1.1. General Coastal Resources

Definition: CGS § 22a-93(7); Policy: CGS § 22a-92(a)(2)

**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project consists of removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three feet higher than the current elevation. The Project will be constructed to ensure minimal impact to the coastal waters of the Byram River. The preservation of existing coastal resources is of great importance for the Project, and the Project will be conducted in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477. Therefore, the Project **would be consistent** with CGS § 22a-92(a)(2).

#### 4.1.2. Beaches & Dunes

Definition: CGS § 22a-93(7)(C); Policies: CGS § 22a-92(b)(2)(C) and 22a-92(c)(1)(K)

**Policy** - CGS § 22a-92(b)(2)(C): *To preserve the dynamic form and integrity of natural beach systems in order to provide critical wildlife habitats, a reservoir for sand supply, a buffer for coastal flooding and erosion, and valuable recreational opportunities; to ensure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation, and to encourage the restoration and enhancement of disturbed or modified beach systems;*

**Determination:** The Project area does not contain beaches or dunes and the Project will not affect beaches or dunes. Therefore, CGS § 22a-92(b)(2)(C) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(1)(K): *To require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures and to encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach;*

**Determination:** The Project area does not contain public beaches and the Project will not affect public beaches. Therefore, CGS § 22a-92(c)(1)(K) is **not applicable** to the Project.

#### 4.1.3. Bluffs & Escarpments

Definition: CGS § 22a-93(7)(A); Policy: CGS § 22a-92(b)(2)(A)

**Policy** - CGS § 22a-92(b)(2)(A): *To manage coastal bluffs and escarpments so as to preserve their slope and toe; to discourage uses which do not permit continued natural rates of erosion and to disapprove uses that accelerate slope erosion and alter essential patterns and supply of sediments to the littoral transport system;*

**Determination:** The Project area does not contain bluffs or escarpments and the Project will not affect bluffs or escarpments. Therefore, CGS § 22a-92(b)(2)(A) is **not applicable** to the Project.

#### 4.1.4. Coastal Hazard Areas

Definition: CGS § 22a-93(7)(H); Policies: CGS § 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)

**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

**Policy** - CGS § 22a-92(a)(5): *To consider in the planning process the potential impact of a rise in sea level, coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and minimize the necessity of public expenditure and shoreline armoring to protect future new development from such hazards;*

**Determination:** The purpose of the proposed Project is flood risk management. The Project consists of removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three feet higher than the current elevation. The existing bridges currently cause flow from the Byram River to back up and exacerbate flooding upstream. Therefore, raising the elevation of the bridges and removing the existing abutments and center pier will lower the water surface by two to four feet during for the 1% flood event, also known as the 1% annual chance flood. Lowering the water surface elevation of the Byram River would reduce the risk of flooding in the area, thereby reducing flood and erosion damages to property and reducing the endangerment of human lives. The Project would provide flood protection for buildings and other structures located within the 1% and 0.2% floodplains of the Project area and the Town of Greenwich and the Village of Port Chester, NY. Therefore, the Project **would be consistent** with CGS § 22a-92(a)(5).

**Policy** - CGS § 22a-92(b)(2)(F): *To manage coastal hazard areas so as to ensure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect commercial and residential structures and substantial appurtenances that are attached or integral thereto, constructed as of January 1, 1995, infrastructural facilities or water dependent uses;*

**Determination:** Nonstructural measures were evaluated as part of the feasibility study and were determined not to be cost effective. Refer to the draft Feasibility Report/Environmental Impact Statement for a full discussion of the plan formulation and alternative analysis process. The Project proposes development in a coastal hazard area to mitigate the potential impacts of flood events to life and property in the developed areas adjacent to the Byram River. The Project, a structural solution, involves the replacement of the existing bridges with elevated bridges and is the preferred alternative because it will reduce the severity of flood events in the developed areas adjacent to the Byram River. Therefore, the Project **would be consistent** with CGS § 22a-92(b)(2)(F),

**Policy** - CGS § 22a-92(b)(2)(J): *To maintain the natural relationship between eroding and depositional coastal landforms and to minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures. Structural solutions are permissible when necessary and unavoidable for the protection of infrastructural facilities, cemetery or burial grounds, water-dependent uses, or commercial and residential structures and substantial appurtenances that are attached or integral thereto, constructed as of January 1, 1995, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts.*

**Determination:** Nonstructural measures were evaluated as part of the feasibility study and were determined not to be cost effective. Refer to the draft Feasibility Report/Environmental Impact Statement for a full discussion of the plan formulation and alternative analysis process. The Project proposes development in a coastal hazard area to mitigate the potential impacts of flood events to life and property in the developed areas adjacent to the Byram River. The Project, a structural solution, involves the replacement of the existing bridges with elevated bridges and is the preferred alternative because it will reduce the severity of flood events in the developed areas adjacent to the Byram River. The Project is being promoted because it is determined as unavoidable and necessary to protect commercial and residential structures in the area. The Project location is in the upper tidal reach and will not interfere with the coastal processes which supply beach materials or cause erosion to such land. Therefore, the Project **would be consistent** with CGS § 22a-92(b)(2)(J).

**Policy** - CGS § 22a-92(c)(1)(K): *To require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures and to encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach;*

**Determination:** The Project area does not contain public beaches and the Project will not affect public beaches. Therefore, CGS § 22a-92(c)(1)(K) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(2)(B): *To maintain, enhance, or, where feasible, restore natural patterns of water circulation and fresh and saltwater exchange in the placement or replacement of culverts, tide gates or other drainage or flood control structures.*

**Determination:** The Project does not involve the construction of new culverts, tide gates, or other drainage or flood control structures. The Project would replace the existing bridges with new bridges at higher elevations, which would mitigate the effect of upstream flooding during 50- and 1% storms and restore natural patterns of water circulation by removing the existing bridges and abutments from coastal waters during such storms. Therefore, the Project **would be consistent** with CGS §§ 22a-92(c)(2)(B).

#### 4.1.5. Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters

Definitions: CGS § 22a-93(5), 22a-93(7)(G), 22a-93(7)(K), and 22a-93(7)(L); Policies: CGS § 22a-92(a)(2) and 22a-92(c)(2)(A)

**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

**Policy** - CGS § 22a-92(c)(2)(A): *To manage estuarine embayments so as to ensure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration; to protect, enhance and allow natural restoration of eelgrass flats except in special limited cases, notably shellfish management, where the benefits accrued through alteration of the flat may outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational finfisheries;*

**Determination:** The Project will not involve the alteration of estuarine embayments. According to an Environmental Resources Inventory Report (CDM Smith, 2018) of the Byram River Basin, no eelgrass flats were identified in the Byram River at the project location, so impacts to eelgrass flats are not anticipated as a result of the Project. Therefore, CGS § 22a-92(c)(2)(A) is **not applicable** to the Project.

#### 4.1.6. Developed Shorefront

Definition: CGS § 22a-93(7)(I); Policy: CGS § 22a-92(b)(2)(G)

**Policy** - CGS § 22a-92(b)(2)(G): *To promote, through existing state and local planning, development, promotional and regulatory programs, the use of existing developed shorefront areas for marine-related uses, including but not limited to, commercial and recreational fishing, boating and other water-dependent commercial, industrial and recreational uses;*

**Determination:** The Project area does not contain developed shorefront and the Project will not affect developed shorefront. Therefore, CGS § 22a-92(b)(2)(G) is **not applicable** to the Project.

#### 4.1.7. Freshwater Wetlands and Watercourses

Definition: CGS § 22a-93(7)(F); Policy: CGS § 22a-92(a)(2)



**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

#### 4.1.8. Intertidal Flats

Definition: CGS § 22a-93(7)(D); Policies: CGS § 22a-92(b)(2)(D) and 22a-92(c)(1)(K)

**Policy** - CGS § 22a-92(b)(2)(D): *To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; to encourage the restoration and enhancement of degraded intertidal flats; to allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation, and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats;*

**Determination:** The Project area does not contain intertidal flats and the Project will not affect intertidal flats. Therefore, CGS § 22a-92(b)(2)(D) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(1)(K): *To require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures and to encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach;*

**Determination:** The Project area does not contain public beaches and the Project will not affect public beaches. Therefore, CGS § 22a-92(c)(1)(K) is **not applicable** to the Project.

#### 4.1.9. Islands

Definition: CGS § 22a-93(7)(J); Policy: CGS § 22a-92(b)(2)(H)

**Policy** - CGS § 22a-92(b)(2)(H): *To manage undeveloped islands in order to promote their use as critical habitats for those bird, plant and animal species which are indigenous to such islands or which are increasingly rare on the mainland; to maintain the value of undeveloped islands as a major source of recreational open space; and to disallow uses which will have significant adverse impacts on islands or their resource components;*

**Determination:** The Project area does not contain islands and the Project will not affect islands. Therefore, CGS § 22a-92(b)(2)(H) is **not applicable** to the Project.

#### 4.1.10. Rocky Shorefront

Definition: CGS § 22a-93(7)(B); Policy: CGS § 22a-92(b)(2)(B)

**Policy** - CGS § 22a-92(b)(2)(B): *To manage rocky shorefronts so as to ensure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a*

*healthy intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies;*

**Determination:** The Project area does not contain rocky shorefronts and the Project will not affect rocky shorefronts. Therefore, CGS § 22a-92(b)(2)(B) is **not applicable** to the Project.

#### **4.1.11. Shellfish Concentration Areas**

Definition: CGS § 22a-93(7)(N); Policy: CGS § 22a-92(c)(1)(I)

**Policy** - CGS § 22a-92(c)(1)(I): *To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations;*

**Determination:** The Project area does not contain shellfish concentration areas and the Project will not affect shellfish concentration areas. Therefore, CGS § 22a-92(c)(1)(I) is **not applicable** to the Project.

#### **4.1.12. Shorelands**

Definition: CGS § 22a-93(7)(M); Policy: CGS § 22a-92(b)(2)(I)

**Policy** - CGS § 22a-92(b)(2)(I): *To regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources;*

**Determination:** The Project area does not contain shorelands and the Project will not affect shorelands. Therefore, CGS § 22a-92(b)(2)(I) is **not applicable** to the Project.

#### **4.1.13. Tidal Wetlands**

Definition: CGS § 22a-93(7)(E); Policies: CGS § 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)

**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

**Policy** - CGS § 22a-92(b)(2)(E): *To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions; to encourage the rehabilitation and restoration of degraded tidal wetlands and where feasible and environmentally acceptable, to encourage the creation of wetlands for the purposes of shellfish and finfish management, habitat creation and dredge spoil disposal;*

**Determination:** The Project area does not contain tidal wetlands and the Project will not affect tidal wetlands. Therefore, CGS § 22a-92(b)(2)(E) is **not applicable** to the Project.

*Policy - CGS § 22a-92(c)(1)(B): To disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal;*

**Determination:** The Project area does not contain tidal wetlands and the Project will not affect tidal wetlands. Therefore, CGS § 22a-92(c)(1)(B) is **not applicable** to the Project.

## **4.2. Coastal Uses and Associated Enforceable Policies**

### **4.2.1. General Development**

Policies: CGS § 22a-92(a)(1), 22a-92(a)(4), and 22a-92(a)(9)

*Policy - CGS § 22a-92(a)(1): To ensure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the rights of private property owners and the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;*

**Determination:** The Project will not result in any changes in land use adjacent to the Byram River. The Project involves replacing the existing bridges with new elevated bridges. The Project would not result in changes to the rights of property owners or the capability of the land and water resources to support development, preservation, or use beyond what is currently capable. Temporary easements on private property may be required to access the construction areas. Therefore, the Project **would be consistent** with CGS § 22a-92(a)(1).

*Policy - CGS § 22a-92(a)(4): To resolve conflicts between competing uses on the shorelands adjacent to marine and tidal waters by giving preference to uses that minimize adverse impacts on natural coastal resources while providing long term and stable economic benefits;*

**Determination:** The Project will not involve the alteration of existing land uses adjacent to the Byram River. The Project involves replacing the existing bridges with new elevated bridges. Therefore, the Project **would be consistent** with CGS § 22a-92(a)(4).

*Policy - CGS § 22a-92(a)(9): To coordinate planning and regulatory activities of public agencies at all levels of government to ensure maximum protection of coastal resources while minimizing conflicts and disruption of economic development;*

**Determination:** The Project is being coordinated with public agencies at all levels of government. The Project would require the issuance of permits to demonstrate compliance with federal and state regulatory agencies and programs, including USACE General Permit, 401 Water Quality Certification, CT-DEEP Inland Wetlands and Waterways Act, CT-DEEP Coastal Wetlands Act, and the Town of Greenwich. Therefore, the Project **would be consistent** with CGS § 22a-92(a)(9).

### **4.2.2. Boating**

Policies: CGS § 22a-92(b)(1)(G), 22a-92(b)(1)(H), and 22a-92(b)(1)(I)

**Policy** - CGS § 22a-92(b)(1)(G): *To encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting non-water-dependent land uses that preclude boating support facilities, (iii) increasing state-owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land;*

**Determination:** The Project does not involve boating. Therefore, CGS § 22a-92(b)(1)(G) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(b)(1)(H): *To protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state-owned facilities to the state-wide boating public, and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas;*

**Determination:** The Project does not involve boating. Therefore, CGS § 22a-92(b)(1)(H) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(b)(1)(I): *To protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries; to maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided; to design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry;*

**Determination:** The Project does not involve boating. Therefore, CGS § 22a-92(b)(1)(I) is **not applicable** to the Project.

#### 4.2.3. Coastal Recreation and Access

Policies: CGS § 22a-92(a)(2), 22a-92(a)(6), 22a-92(c)(1)(J), and 22a-92(c)(1)(K)

**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

**Policy** - CGS § 22a-92(a)(6): *To encourage public access to the waters of Long Island Sound by expansion, development and effective utilization of state-owned recreational facilities within the coastal area that are consistent with sound resource conservation procedures and constitutionally protected rights of private property owners;*

**Determination:** The Project area does not contain coastal recreation or access and the Project will not affect coastal recreation or access. Therefore, CGS § 22a-92(a)(6) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(1)(J): *To make effective use of state-owned coastal recreational facilities in order to expand coastal recreational opportunities including the development or redevelopment of existing state-owned facilities where feasible;*

**Determination:** The Project area does not contain coastal recreation or access and the Project will not affect coastal recreation or access. Therefore, CGS § 22a-92(c)(1)(J) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(1)(K): *To require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures and to encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach;*

**Determination:** The Project area does not contain public beaches and the Project will not affect public beaches. Therefore, CGS § 22a-92(c)(1)(K) is **not applicable** to the Project.

#### 4.2.4. Coastal Structures and Filling

Policies: CGS § 22a-92(a)(2), 22a-92(b)(1)(D), 22a-92(c)(1)(B), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)

**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

**Policy** - CGS § 22a-92(b)(1)(D): *To require that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners;*

**Determination:** There are no associated tidal or freshwater wetlands in the project area of the U.S. Route 1 Bridge replacement. The Project will temporarily impact Waters of the U.S. (i.e. the Byram River) from the removal of the existing bridge abutments and bank stabilization. Temporarily disturbed areas will be restored to pre-construction conditions. The removal of the existing bridge abutments and subsequent restoration of the river banks will temporarily alter river sediments and therefore be required to take place in the “dry” using a cofferdam (i.e. Portodam or equivalent) to reduce the generation of turbid waters. The proposed removal may temporarily increase turbidity projected to be short in duration and contained within the cofferdam area. Any impact on water quality will also be temporary and localized since turbidity levels and the concentration of materials suspended in the water column will quickly return to ambient conditions. A silt curtain will be installed downstream of the work area to further prevent any sediment or turbid water from migrating downstream. Furthermore, to minimize impacts to fish

and aquatic resources, in-stream work will not be conducted during time of the year (TOY) restrictions expected to include the spring and fall months for the Project. The duration of the in-stream work is expected to be no longer than 30 days for the two bridges. Following construction, temporary staging areas will be stabilized by hydroseeding and planting native trees and shrubs. With these avoidance, minimization, and mitigation measures, the Project **would be consistent** with CGS § 22a-92(b)(1)(D).

**Policy** - CGS § 22a-92(c)(1)(B): *To disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal;*

**Determination:** The Project area does not contain tidal wetlands and the Project will not affect tidal wetlands. Therefore, CGS § 22a-92(c)(1)(B) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(1)(K): *To require as a condition in permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures and to encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach;*

**Determination:** The Project area does not contain public beaches and the Project will not affect public beaches. Therefore, CGS § 22a-92(c)(1)(K) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(2)(B): *To maintain, enhance, or, where feasible, restore natural patterns of water circulation and fresh and saltwater exchange in the placement or replacement of culverts, tide gates or other drainage or flood control structures.*

**Determination:** The Project does not involve the construction of new culverts, tide gates, or other drainage or flood control structures. The Project would replace the existing bridges with new bridges at higher elevations, which would mitigate the effect of upstream flooding during 2% and 1% storms and restore natural patterns of water circulation by removing the existing bridges and abutments from coastal waters during such storms. Therefore, the Project **would be consistent** with CGS §§ 22a-92(c)(2)(B).

#### 4.2.5. Cultural Resources

**Policy:** CGS § 22a-92(b)(1)(J)

**Policy** - CGS § 22a-92(b)(1)(J): *To require reasonable mitigation measures where development would adversely impact historical, archaeological, or paleontological resources that have been designated by the state historic preservation officer;*

**Determination:** The existing U.S. Route 1 northbound and southbound bridges over the Byram River are included in the National Historic Register as Eligible historic resources. The Project proposes removal and replacement of the bridges to mitigate flooding events, indicating that

impacts to the bridge would be unavoidable and permanent if the Project continues. This conflict will be addressed with the state historic preservation officer and the National Park Service. Contingent on approval to remove the bridges from the state historic preservation officer and the National Park Service, the Project **would be consistent** with CGS §§ 22a-92(b)(1)(J).

#### 4.2.6. Dams, Dikes and Reservoirs

Policy: CGS § 22a-92(a)(2)

**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

#### 4.2.7. Dredging and Navigation

Policies: CGS § 22a-92(a)(2), 22a-92(c)(1)(C), 22a-92(c)(1)(D), and 22a-92(c)(1)(E)

**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

**Policy** - CGS § 22a-92(c)(1)(C): *To initiate in cooperation with the federal government and the continuing legislative committee on state planning and development a long-range planning program for the continued maintenance and enhancement of federally maintained navigation facilities in order to effectively and efficiently plan and provide for environmentally sound dredging and disposal of dredged materials; to encourage, through the state permitting program for dredging activities, the maintenance and enhancement of existing federally maintained navigation channels, basins and anchorages and to discourage the dredging of new federally maintained navigation channels, basins and anchorages;*

**Determination:** The Project does not involve navigation or dredging. Therefore, CGS § 22a-92(c)(1)(C) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(1)(D): *To reduce the need for future dredging by requiring that new or expanded navigation channels, basins and anchorages take advantage of existing or authorized water depths, circulation and siltation patterns and the best available technologies for reducing controllable sedimentation;*

**Determination:** The Project does not involve navigation. Therefore, CGS § 22a-92(c)(1)(D) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(1)(E): *To disallow new dredging in tidal wetlands except where no feasible alternative exists and where adverse impacts to coastal resources are minimal;*

**Determination:** The Project does not involve dredging. Therefore, CGS § 22a-92(c)(1)(E) is **not applicable** to the Project.

#### **4.2.8. Energy Facilities**

Policies: CGS § 16-50g and 16-50p(a)

**Policy - CGS § 16-50g:** ***Legislative finding and purpose.** The legislature finds that power generating plants and transmission lines for electricity and fuels, community antenna television towers and telecommunication towers have had a significant impact on the environment and ecology of the state of Connecticut; and that continued operation and development of such power plants, lines and towers, if not properly planned and controlled, could adversely affect the quality of the environment and the ecological, scenic, historic and recreational values of the state. The purposes of this chapter are: To provide for the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values; to provide environmental quality standards and criteria for the location, design, construction and operation of facilities for the furnishing of public utility services at least as stringent as the federal environmental quality standards and criteria, and technically sufficient to assure the welfare and protection of the people of the state; to encourage research to develop new and improved methods of generating, storing and transmitting electricity and fuel and of transmitting and receiving television and telecommunications with minimal damage to the environment and other values described above; to promote energy security; to promote the sharing of towers for fair consideration wherever technically, legally, environmentally and economically feasible to avoid the unnecessary proliferation of towers in the state particularly where installation of such towers would adversely impact class I and II watershed lands, and aquifers; to require annual forecasts of the demand for electric power, together with identification and advance planning of the facilities needed to supply that demand and to facilitate local, regional, state-wide and interstate planning to implement the foregoing purposes.*

**Determination:** The Project does not involve energy facilities. Therefore, CGS § 16-50g is **not applicable** to the Project.

**Policy - CGS § 16-50p(a):** *(1) In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate.*

*(2) The council's decision shall be rendered in accordance with the following:*

*(A) Not later than twelve months after the filing of an application for a facility described in subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision (4) of said subsection (a) if the application was incorporated in an application concerning a facility described in subdivision (1) of said subsection (a); and*



*(B) Not later than one hundred eighty days after the filing of an application for a facility described in subdivisions (3) to (6), inclusive, of subsection (a) of section 16-50i, provided the council may extend such period by not more than one hundred eighty days with the consent of the applicant.*

*(3) The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine:*

*(A) Except as provided in subsection (b) or (c) of this section, a public need for the facility and the basis of the need;*

*(B) The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, including, but not limited to, electromagnetic fields that, whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife;*

*(C) Why the adverse effects or conflicts referred to in subparagraph (B) of this subdivision are not sufficient reason to deny the application;*

*(D) In the case of an electric transmission line, (i) what part, if any, of the facility shall be located overhead, (ii) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and (iii) that the overhead portions, if any, of the facility are cost effective and the most appropriate alternative based on a life-cycle cost analysis of the facility and underground alternatives to such facility, are consistent with the purposes of this chapter, with such regulations or standards as the council may adopt pursuant to section 16-50t, including, but not limited to, the council's best management practices for electric and magnetic fields for electric transmission lines and with the Federal Power Commission "Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" or any successor guidelines and any other applicable federal guidelines and are to be contained within an area that provides a buffer zone that protects the public health and safety, as determined by the council. In establishing such buffer zone, the council shall consider, among other things, residential areas, private or public schools, licensed child care centers, licensed youth camps or public playgrounds adjacent to the proposed route of the overhead portions and the level of the voltage of the overhead portions and any existing overhead transmission lines on the proposed route.. At a minimum, the existing right-of-way shall serve as the buffer zone;*

*(E) In the case of an electric or fuel transmission line, that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line;*

*(F) In the case of a facility described in subdivision (6) of subsection (a) of section 16-50i that is (i) proposed to be installed on land under agricultural restriction, as provided in section 22-26cc,*

*that the facility will not result in a material decrease of acreage and productivity of the arable land, (ii) proposed to be installed on land near a building containing a school, as defined in section 10-154a, or a commercial child care center, as described in subdivision (1) of subsection (a) of section 19a-77, that the facility will not be less than two hundred fifty feet from such school or commercial child care center unless the location is acceptable to the chief elected official of the municipality or the council finds that the facility will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood in which such school or commercial child care center is located, or (iii) proposed to be installed on land owned by a water company, as defined in section 25-32a, and which involves a new ground-mounted telecommunications tower, that such land owned by a water company is preferred over any alternative telecommunications tower sites provided the council shall, pursuant to clause (iii) of this subparagraph, consult with the Department of Public Health to determine potential impacts to public drinking water supplies in considering all the environmental impacts identified pursuant to subparagraph (B) of this subdivision. The council shall not render any decision pursuant to this subparagraph that is inconsistent with federal law or regulations; and*

*(G) That, for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i, the council has considered the manufacturer's recommended safety standards for any equipment, machinery or technology for the facility.*

**Determination:** The Project does not involve energy facilities of public utilities. Therefore, CGS § 16-50p(a) is **not applicable** to the Project.

#### **4.2.9. Fisheries**

Policy: CGS § 22a-92(c)(1)(I)

**Policy** - CGS § 22a-92(c)(1)(I): *To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations;*

**Determination:** The Project area does not contain fisheries and the Project will not affect fisheries. Therefore, CGS § 22a-92(c)(1)(I) is **not applicable** to the Project.

#### **4.2.10. Flooding and Erosion**

Policies: CGS § 22a-92(a)(5)

**Policy** - CGS § 22a-92(a)(5): *To consider in the planning process the potential impact of a rise in sea level, coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and minimize the necessity of public expenditure and shoreline armoring to protect future new development from such hazards;*

**Determination:** The purpose of the Project is to mitigate the potential impacts of flood events to life and property in the developed areas adjacent to the Byram River. The Project would replace

the existing bridges with new bridges at higher elevations, which would mitigate the effect of upstream flooding during 2% and 1% storms. Therefore, the Project **would be consistent** with CGS § 22a-92(a)(5).

#### **4.2.11. Fuel, Chemicals and Hazardous Materials**

Policies: CGS § 22a-92(a)(2), 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)

**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

**Policy** - CGS § 22a-92(b)(1)(C): *To promote, through existing state and local planning, development, promotional and regulatory authorities, the development, reuse or redevelopment of existing urban and commercial fishing ports giving highest priority and preference to water dependent uses, including but not limited to commercial and recreational fishing and boating uses; to disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor; and to minimize the risk of oil and chemical spills at port facilities;*

**Determination:** The Project area will not involve the development, reuse, or redevelopment of existing urban and commercial fishing ports. Therefore, CGS § 22a-92(b)(1)(C) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(b)(1)(E): *To disallow the siting within the coastal boundary of new tank farms and other new fuel and chemical storage facilities which can reasonably be located inland and to require any new storage tanks which must be located within the coastal boundary to abut existing storage tanks or to be located in urban industrial areas and to be adequately protected against floods and spills;*

**Determination:** The Project area will not involve the siting of tank farms or other new fuel and chemical storage facilities. Therefore, CGS § 22a-92(b)(1)(E) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(1)(A): *To minimize the risk of spillage of petroleum products and hazardous substances, to provide effective containment and cleanup facilities for accidental spills and to disallow offshore oil receiving systems that have the potential to cause catastrophic oil spills in the Long Island Sound estuary;*

**Determination:** Potentially hazardous materials typically used during construction activities that can pose a health risk to the environment if not properly stored and handled include motor fuel and oils used for vehicles and equipment. All handling of potentially hazardous materials will be conducted in accordance with applicable federal (including U.S. Army Corps of Engineers), state, and local solid and hazardous waste policies and regulations throughout the implementation of the

Project. Typical mitigation measures for handling of potentially hazardous materials are identified below.

- All preventative measures will be taken to avoid the spillage of petroleum products and other pollutants. Routine vehicle and equipment maintenance and refueling will only occur in designated areas located more than 100 feet from wetland resource areas.;
- At each staging area, spill clean-up equipment (shovels, brooms, absorbent pads and materials) will be maintained for use in the event of an accidental spill;
- All fuel, oil, solvents, etc., will be stored in original containers or in containers manufactured for storing such material that are clearly labeled as to the contents of the container. Fuel, oil and other potentially hazardous materials will be kept secured in a locked storage locker designed and properly vented for storing such material. Copies of Material Safety Data Sheets for all applicable materials will be maintained at the construction site and will be readily accessible for employees or inspection officials; and
- The Contractor will immediately clean up all spills of fuel, oil, or other potentially hazardous materials. All reportable spills will be reported to the proper authorities.

Therefore, the Project **would be consistent** with CGS § 22a-92(c)(1)(A).

#### **4.2.12. Facilities and Resources which are in the National Interest**

Definition CGS § 22a-93(14); Policy CGS § 22a-92(a)(10)

**Policy** - CGS § 22a-92(a)(10): *To ensure that the state and the coastal municipalities provide adequate planning for facilities and resources which are in the national interest as defined in section 22a-93 and to ensure that any restrictions or exclusions of such facilities or uses are reasonable. Reasonable grounds for the restriction or exclusion of a facility or use in the national interest shall include a finding that such a facility or use: (A) May reasonably be sited outside the coastal boundary; (B) fails to meet any applicable federal and state environmental, health or safety standard; or (C) unreasonably restricts physical or visual access to coastal waters. This policy does not exempt any nonfederal facility in use from any applicable state or local regulatory or permit program nor does it exempt any federal facility or use from the federal consistency requirements of Section 307 of the federal Coastal Zone Management Act.*

**Determination:** The Project will not involve facilities and resources which are in the national interest. Therefore, CGS § 22a-92(a)(10) is **not applicable** to the Project.

#### **4.2.13. Intergovernmental Coordination**

Policy: CGS § 22a-92(a)(9)

**Policy** - CGS § 22a-92(a)(9): *To coordinate planning and regulatory activities of public agencies at all levels of government to ensure maximum protection of coastal resources while minimizing conflicts and disruption of economic development;*

**Determination:** The Project is being coordinated with public agencies at all levels of government. The Project would require the issuance of permits to demonstrate compliance with federal and state regulatory agencies and programs, including USACE General Permit, 401 Water Quality Certification, CT-DEEP Inland Wetlands and Waterways Act, CT-DEEP Coastal Wetlands Act, and the Town of Greenwich. Therefore, the Project **would be consistent** with CGS § 22a-92(a)(9).

#### 4.2.14. Open Space and Agricultural Lands

Policy: CGS § 22a-92(a)(2)

**Policy -** CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

#### 4.2.15. Ports and Harbors

Policy: CGS § 22a-92(b)(1)(C)

**Policy -** CGS § 22a-92(b)(1)(C): *To promote, through existing state and local planning, development, promotional and regulatory authorities, the development, reuse or redevelopment of existing urban and commercial fishing ports giving highest priority and preference to water dependent uses, including but not limited to commercial and recreational fishing and boating uses; to disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor; and to minimize the risk of oil and chemical spills at port facilities;*

**Determination:** The Project area will not involve the development, reuse, or redevelopment of existing urban and commercial fishing ports. Therefore, CGS § 22a-92(b)(1)(C) is **not applicable** to the Project.

#### 4.2.16. Sewer and Water Lines

Policy: CGS § 22a-92(b)(1)(B)

**Policy -** CGS § 22a-92(b)(1)(B): *To locate and phase sewer and water lines so as to encourage concentrated development in areas which are suitable for development; and to disapprove extension of sewer and water services into developed and undeveloped beaches, barrier beaches and tidal wetlands except that, when necessary to abate existing sources of pollution, sewers that will accommodate existing uses with limited excess capacity may be used;*

**Determination:** The Project will not involve sewer or water lines. Therefore, CGS § 22a-92(b)(1)(B) is **not applicable** to the Project.

#### 4.2.17. Solid Waste

Policy: CGS § 22a-92(a)(2)

**Policy** - CGS § 22a-92(a)(2): *To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;*

**Determination:** The Project **would be consistent** with CGS § 22a-92(a)(2). See determination in Section 6.1.1.

#### **4.2.18. Transportation**

Policies: CGS § 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)

**Policy** - CGS § 22a-92(b)(1)(F): *To make use of rehabilitation, upgrading and improvement of existing transportation facilities as the primary means of meeting transportation needs in the coastal area;*

**Determination:** The Project will involve the rehabilitation of existing transportation structures. The Project involves the replacement of the existing bridges with new bridges at higher elevations. Therefore, the Project **would be consistent** with CGS § 22a-92(b)(1)(F).

**Policy** - CGS § 22a-92(c)(1)(F): *To require that new or improved shoreline rail corridors be designed and constructed so as (i) to prevent tidal and circulation restrictions and, when practicable, to eliminate any such existing restrictions, (ii) to improve or have a negligible adverse effect on coastal access and recreation and (iii) to enhance or not unreasonably impair the visual quality of the shoreline;*

**Determination:** The Project will not involve the construction of new or improved shoreline rail corridors. Therefore, CGS § 22a-92(c)(1)(F) is **not applicable** to the Project.

**Policy** - CGS § 22a-92(c)(1)(G): *To require that coastal highways and highway improvements, including bridges, be designed and constructed so as to minimize adverse impacts on coastal resources; to require that coastal highway and highway improvements give full consideration to mass transportation alternatives and to require that coastal highways and highway improvements where possible enhance, but in no case decrease coastal access and recreational opportunities;*

**Determination:** The Project involves the replacement of the existing bridges with new bridges at higher elevations, which will temporarily impact Waters of the U.S. (i.e. the Byram River) during removal of the existing bridge abutments and bank stabilization. Temporarily disturbed areas will be restored to pre-construction conditions. These Project impacts will comply with permit conditions received from the USACE, CT-DEEP, and the Town of Greenwich. All in stream work will be required to be performed in the “dry” using a cofferdam (i.e. Portodam or equivalent) to minimize impacts. Additional standard industry BMPs for in stream work will also be used including use of a downstream silt curtain. The Project will not result in decreased coastal access to recreational opportunities because no recreational opportunities currently exist at the Project location. Therefore, the Project **would be consistent** with CGS § 22a-92(b)(1)(D).

**Policy** - CGS § 22a-92(c)(1)(H): *To disallow the construction of major new airports and to discourage the substantial expansion of existing airports within the coastal boundary; to require*

*that any expansion or improvement of existing airports minimize adverse impacts on coastal resources, recreation or access;*

**Determination:** The Project will not involve the construction or expansion of airports. Therefore, CGS § 22a-92(c)(1)(H) is **not applicable** to the Project.

#### **4.2.19. Water-dependent Uses**

Definition CGS § 22a-93(16); Policies: CGS § 22a-92(a)(3) and 22a-92(b)(1)(A)

**Policy** - CGS § 22a-92(a)(3): *To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters;*

**Determination:** The purpose of the proposed Project is flood risk management. The Project consists of removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three to four feet higher than the current elevation. While not conforming to the definition of “Water-dependent uses” per CGS § 22a-93(16), bridges over coastal waters are water-dependent by nature since they are located on or adjacent to the coastal waters. Therefore, the Project **would be consistent** with CGS § 22a-92(a)(3).

**Policy** - CGS § 22a-92(b)(1)(A): *To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas;*

**Determination:** The purpose of the proposed Project is flood risk management. The Project consists of removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three to four feet higher than the current elevation. While not conforming to the definition of “Water-dependent uses” per CGS § 22a-93(16), bridges over coastal waters are water-dependent by nature since they are located on or adjacent to the coastal waters. Therefore, the Project **would be consistent** with CGS § 22a-92(b)(1)(A).

#### **4.3. Potential Adverse Impacts on Coastal Resources**

**Definition** - CGS § 22a-93(15): *“Adverse impacts on coastal resources” include but are not limited to: (A) Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity; (B) degrading existing circulation patterns of coastal waters through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours; (C) degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction; (D) degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff; (E) increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones; (F)*

*degrading visual quality through significant alteration of the natural features of vistas and view points; (G) degrading or destroying essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components of the habitat; and (H) degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or function;*

#### **4.3.1. Characteristics and Functions of Resources**

**Policy** - CGS § 22a-93(15)(H): *degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or function;*

**Determination:** The Project will be constructed on land areas that do not include natural features such as tidal wetlands, beaches, rocky shorefronts, bluffs, or escarpments. The Project location is in the upper tidal reach and will not interfere with the coastal processes which supply beach materials or cause erosion to such land. Therefore, the Project would not result in potential adverse impacts to characteristics and functions of resources and **would be consistent** with CGS § 22a-93(15)(H).

#### **4.3.2. Coastal Flooding**

**Policy** - CGS § 22a-93(15)(E): *increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones;*

**Determination:** The intent of the Project is to mitigate the potential impacts of flood events to life and property in the developed areas adjacent to the Byram River. The Project would involve minor channel improvements to the Byram River but otherwise would not involve the alteration of shoreline configurations or bathymetry. Therefore, the Project would not result in potential adverse impacts to coastal flooding and **would be consistent** with CGS § 22a-93(15)(E).

#### **4.3.3. Coastal Waters Circulation Patterns**

**Policy** - CGS § 22a-93(15)(B): *degrading existing circulation patterns of coastal waters through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours;*

**Determination:** The Project will not involve significant alteration of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours. The Project would restore natural patterns of water circulation by removing the existing bridges and abutments from coastal waters during large storm events. Therefore, potential adverse impacts to coastal waters circulation patterns would be minimized and the Project **would be consistent** with CGS § 22a-93(15)(B).



#### 4.3.4. Drainage Patterns

**Policy** - CGS § 22a-93(15)(D): *degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff;*

**Determination:** The Project will not involve significant alteration of groundwater flow and recharge and the volume of runoff. No impacts to groundwater flow or recharge are anticipated as a result of the Project, and the Project would not result in an increase in impervious surface area. Therefore, the Project would not result in potential adverse impacts to drainage patterns and **would be consistent** with CGS § 22a-93(15)(D).

#### 4.3.5. Patterns of Shoreline Erosion and Accretion

**Policy** - CGS § 22a-93(15)(C): *degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction;*

**Determination:** The Project will not involve significant alteration of littoral transport of sediments. The Project location is in the upper tidal reach and will not interfere with the coastal processes which supply beach materials or cause erosion to such land. Therefore, potential adverse impacts to patterns of shoreline erosion and accretion would be minimized and the Project **would be consistent** with CGS § 22a-93(15)(C).

#### 4.3.6. Visual Quality

**Policy** - CGS § 22a-93(15)(F): *degrading visual quality through significant alteration of the natural features of vistas and view points;*

**Determination:** Some short-term temporary impacts to aesthetics and scenic resources are expected to result from the Proposed Action; however, these will be limited to the construction period. Therefore, potential adverse impacts to visual quality would be minimized and the Project **would be consistent** with CGS § 22a-93(15)(F).

#### 4.3.7. Water Quality

**Policy** - CGS § 22a-93(15) (A): *Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity;*

**Determination:** The Project will not involve any municipal, industrial, and commercial discharge of pollutants into coastal waters. River sediments that will be temporarily disturbed from the removal of the existing bridge abutments and minor channel improvements will be tested during the permitting phase and if pollutants are found to be present, appropriate mitigation measures will be implemented to avoid impacts to fish, benthic communities, and coastal resources. None of the construction materials that will be used to support bank and channel stabilization (i.e. stone and riprap materials) are considered hazardous.

Based on existing data, hazardous, toxic, and radioactive waste (HTRW) or other contaminants are not expected to be encountered during construction. Construction BMPs will be utilized to limit the movement of any contaminants during construction.

Stormwater from the Project site (both during and after construction) will be managed in accordance with applicable federal and state policies and regulations.

Potentially hazardous materials typically used during construction activities that can pose a health risk to the environment if not properly stored and handled include motor fuel and oils used for vehicles and equipment. All handling of potentially hazardous materials will be conducted in accordance with applicable federal (including U.S. Army Corps of Engineers), state, and local solid and hazardous waste policies and regulations throughout the implementation of the Project. Typical mitigation measures for handling of potentially hazardous materials are identified below.

- All preventative measures will be taken to avoid the spillage of petroleum products and other pollutants. Routine vehicle and equipment maintenance and refueling will only occur in designated areas located more than 100 feet from wetland resource areas.;
- At each staging area, spill clean-up equipment (shovels, brooms, absorbent pads and materials) will be maintained for use in the event of an accidental spill;
- All fuel, oil, solvents, etc., will be stored in original containers or in containers manufactured for storing such material that are clearly labeled as to the contents of the container. Fuel, oil and other potentially hazardous materials will be kept secured in a locked storage locker designed and properly vented for storing such material. Copies of Material Safety Data Sheets for all applicable materials will be maintained at the construction site and will be readily accessible for employees or inspection officials; and
- The Contractor will immediately clean up all spills of fuel, oil, or other potentially hazardous materials. All reportable spills will be reported to the proper authorities.

No adverse impacts on fish and wildlife resources in the coastal area from the routine use of potentially hazardous construction materials and other pollutants are anticipated. Therefore, potential adverse impacts to water quality would be minimized and the Project **would be consistent** with CGS § 22a-93(15) (A).

#### **4.3.8. Wildlife, Finfish, Shellfish Habitat**

**Policy** - CGS § 22a-93(15)(G): *degrading or destroying essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components of the habitat;*

**Determination:** The Project will not involve significant alteration of the characteristics of the species or the natural components of the habitat. BMPs for conducting in-stream work will be implemented to protect species habitat. The removal of the existing bridge abutments and center

pier and subsequent restoration of the river banks will temporarily alter river sediments and therefore be required to take place in the “dry” using a cofferdam (i.e. Portodam or equivalent) to exclude fish from the work area and reduce the generation of turbid waters. The proposed removal may temporarily increase turbidity projected to be short in duration and contained within the cofferdam area. Therefore, the Project would not result in potential adverse impacts to wildlife, finfish, and shellfish habitat and **would be consistent** with CGS § 22a-93(15)(G).

#### **4.4. Potential Adverse Impacts on Water-dependent Uses and Opportunities**

##### **4.4.1. Locating a non-water dependent use at a site physical suited for, or planned for of, a water-dependent use**

**Policy** - CGS § 22a-93(17): *“Adverse impacts on future water-dependent development opportunities” and “adverse impacts on future water-dependent development activities” include but are not limited to (A) locating a non-water-dependent use at a site that (i) is physically suited for a water-dependent use for which there is a reasonable demand or (ii) has been identified for a water-dependent use in the plan of development of the municipality or the zoning regulations; (B) replacement of a water-dependent use with a non-water-dependent use, and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters;*

**Determination:** The purpose of the proposed Project is flood risk management. The Project consists of removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three to four feet higher than the current elevation. While not conforming to the definition of “Water-dependent uses” per CGS § 22a-93(16), bridges over coastal waters are water-dependent by nature since they are located on or adjacent to the coastal waters. The Project does not propose any changes to the water-dependent uses of the existing bridge structures. Therefore, the Project would not result in potential adverse impacts on water dependent uses and opportunities and **would be consistent** with CGS § 22a-93(17).

##### **4.4.2. Replacing an existing water-dependent use with a non-water dependent use**

**Policy** - CGS § 22a-93(17): *“Adverse impacts on future water-dependent development opportunities” and “adverse impacts on future water-dependent development activities” include but are not limited to (A) locating a non-water-dependent use at a site that (i) is physically suited for a water-dependent use for which there is a reasonable demand or (ii) has been identified for a water-dependent use in the plan of development of the municipality or the zoning regulations; (B) replacement of a water-dependent use with a non-water-dependent use, and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters;*

**Determination:** The purpose of the proposed Project is flood risk management. The Project consists of removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three to four feet higher than the current elevation. While not conforming to the definition of “Water-dependent uses” per CGS § 22a-93(16), bridges over coastal waters are water-dependent by nature since they are located on or adjacent to the coastal

waters. The Project does not propose any changes to the water-dependent uses of the existing bridge structures. Therefore, the Project would not result in potential adverse impacts on water dependent uses and opportunities and **would be consistent** with CGS § 22a-93(17).

**4.4.3. Siting a non-water dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters.**

**Policy** - CGS § 22a-93(17): *“Adverse impacts on future water-dependent development opportunities” and “adverse impacts on future water-dependent development activities” include but are not limited to (A) locating a non-water-dependent use at a site that (i) is physically suited for a water-dependent use for which there is a reasonable demand or (ii) has been identified for a water-dependent use in the plan of development of the municipality or the zoning regulations; (B) replacement of a water-dependent use with a non-water-dependent use, and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters;*

**Determination:** The purpose of the proposed Project is flood risk management. The Project consists of removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three to four feet higher than the current elevation. While not conforming to the definition of “Water-dependent uses” per CGS § 22a-93(16), bridges over coastal waters are water-dependent by nature since they are located on or adjacent to the coastal waters. The Project does not propose any changes to the water-dependent uses of the existing bridge structures. Therefore, the Project would not result in potential adverse impacts on water dependent uses and opportunities and **would be consistent** with CGS § 22a-93(17).

## 5. ATTACHMENTS

Attachment A – Coastal Zone Management Consistency Review Form for Federal Activities

# Attachment A

Coastal Zone Management Consistency Review Form for Federal Activities



**Connecticut Department of  
Energy & Environmental Protection**  
Bureau of Water Protection & Land Reuse  
Office of Long Island Sound Programs

## **Coastal Management Consistency Review Form for Federal Activities**

Use of this form, although not mandatory, will facilitate coastal consistency review analysis by the Federal agency and result in submission of sufficient information for comprehensive review by the Department of Energy and Environmental Protection (DEEP) Office of Long Island Sound Programs (OLISP). It is anticipated that submittal of a completed form with indicated supplemental materials will, in most instances, eliminate the need for further information. The form should be used in conjunction with the *Reference Guide to Coastal Policies and Definitions* (DEEP-OLISP-GUID-200). The *Instructions and Guidance for Completing the Federal Coastal Consistency Review Form for Federal Activities* (DEEP-OLISP-INST-300) explains how to complete this form and provides several critical definitions and pertinent guidance. Once completed, please submit this form with the appropriate supporting documentation to: CT DEEP-OLISP, 79 Elm Street, Hartford, CT 06106-5127. For further information or assistance in completing this form, please contact us at the address above or by phone at 860-424-3034.

### **Part I: Federal Agency and Contact Identification**

Agency Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone:

ext.

Fax:

Agency Contact:

Title:

E-Mail:

Identification of Primary Contact for correspondence if other than Agency Contact noted above:

Company Name: CDM Smith

Mailing Address: 260 West Exchange St., Suite 300

City/Town: Providence

State: RI

Zip Code: 02903

Business Phone: (401) 457-0334

ext.

Fax:

Contact Person: Cynthia Baumann

Title: Project Manager

E-Mail: BaumannCA@cdmsmith.com

### **Part II: Review Type and Project Title**

Type of Review (check one):

☒ Federal Development Project ☐ Negative Determination

☐ Other Federal agency activity (specify general type):

Project Title or Other Identification:

Byram River Flood Risk and Management Feasibility Study, Greenwich, Connecticut

### Part III: Other DEEP Involvement with the Project

Is any component of this activity directly regulated by DEEP separate from the Federal Coastal Consistency Process (e.g., 401 Water Quality Certification)? ☒ Yes ☐ No

If yes, list below all DEEP permits, certifications, or other authorizations being pursued for this activity, and describe the regulated activity/ies:

Three alternatives currently exist for the Project. If the preferred alternative is selected, the Project may impact coastal and inland waters and would require permits in compliance with one or more of the following DEEP-administered regulatory programs: 401 Water Quality Certification, Inland Wetlands and Watercourses Act, and Coastal Wetlands Act.

☐ Check if additional sheets are attached to this page

Has any other unit of the DEEP been contacted regarding this activity? ☐ Yes ☒ No

If yes, please identify other Departmental contacts:

☐ Check if additional sheets are attached to this page

### Part IV: Detailed Project Information

#### 1. Description of Proposed Activity

Describe the proposed federal activity including its purpose and all related actions. For site-specific activities, such actions might include: site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover from existing conditions resulting from the activity; phasing, timing, and method of proposed construction; and new uses and changes from existing uses. For site-specific activities proposed at waterfront sites, provide detailed information regarding any water-dependent uses proposed. For non-site specific activities, include a complete description of the proposed activity and its purpose.

See Attachment A, Part 4

☒ Check if additional sheets are attached to this page



## Part IV: Detailed Project Information (cont.)

### 2. Is the Project Site-Specific?

- ☒ Yes Please continue with Part IV and fill out all subsequent parts of the form.  
☐ No Skip to Part V: Identification of Applicable Enforceable Policies

### 3. Location Information

#### a. Project Address, Location, or Affected Area:

U.S. Route 1 North Bridge (southbound) & U.S. Route 1 South Bridge (Northbound) over Byram River

City/Town: Greenwich

State: CT Zip Code: 06830

#### b. Agency's interest in property, if any:

- ☐ fee simple ☐ option ☐ lessee ☐ easement ☐ not applicable  
☐ other (specify):

#### c. Is the activity proposed at a waterfront site (includes tidal wetlands frontage) or within coastal, tidal or navigable waters? ☒ Yes ☐ No

If yes, name the affected coastal, tidal or navigable waters:

Byram River

#### d. If off-site effects on coastal uses and/or resources are anticipated, identify the address or location(s) of such effects and attach a map (8 1/2" x 11" format) indicating this area:

N/A

- ☐ Check if additional sheets are attached to this page  
☐ Check here to indicate map is enclosed.

#### e. If the Federal project is site specific, identify and describe the existing land use on and adjacent to the site of the proposed activity and any anticipated location(s) of off-site effects on coastal resources or uses. Clearly differentiate between the descriptions of on-site and off-site areas. Include any existing structures and significant features at either location.

On-site: Byram River is a tidally-influenced stream channel. Adjacent land uses include commercial and residential properties, roads, and parking lots.

Off-site: No effects are anticipated to off-site land uses.

- ☐ Check if additional sheets are attached to this page

#### f. Indicate the area of the project site:

☐ acres or ☐ square feet

#### g. Indicate the area of any anticipated off-site effects:

☐ acres or ☐ square feet or ☐ other units (specify units):

## Part IV: Detailed Project Information (cont.)

### 4. Project Plans

If the proposed Federal activity is a "Federal Development Project", or other site specific activity, please provide project plans in 8 ½" x 11" format that clearly and accurately depict the following items, and check the appropriate boxes to indicate that the information is included in this review package:

- ☐ Project location
- ☐ Existing and proposed conditions, including buildings and grading
- ☐ Coastal resources on and contiguous to the site
- ☐ High Tide Line [as defined in CGS § 22a-359(c)], Mean High Water, and Mean Low Water elevations and contours (for parcels abutting coastal waters and/or tidal wetlands only)
- ☐ Soil erosion and sediment controls
- ☐ Stormwater management measures
- ☐ Ownership and type of use on adjacent properties
- ☐ Reference datum (i.e., National Geodetic Vertical Datum, Mean Sea Level, etc.)

If a Spill Prevention, Control, and Containment Plan (SPCC) has been developed for this site, please provide a copy in the review package and check here to indicate its inclusion ☐

## Part V: Identification of the Applicable Enforceable Policies

In this Part, there are four tables which should be completed by checking the appropriate boxes in each. Table 1: *Coastal Resources and Associated Enforceable Policies*, is to identify on-site, adjacent, and/or potentially affected State-statutorily defined coastal resources. Table 2: *Coastal Uses and Associated Enforceable Policies*, is to identify existing and proposed State-statutorily defined coastal uses potentially affected by the project. Table 3a: *Potential Adverse Impacts on Coastal Resources* and Table 3b: *Potential Adverse Impacts on Water-dependent Uses and Opportunities* is to identify State-statutorily-defined adverse impacts.

**Table 1**

<b>Coastal Resources and Associated Enforceable Policies</b>	<b>On-site</b>	<b>Adjacent</b>	<b>Affected by the proposed Federal activity**</b>
<b>General Coastal Resources*</b> - Definition: CGS § 22a-93(7) Policy: CGS § 22a-92(a)(2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Beaches &amp; Dunes</b> - Definition: CGS § 22a-93(7)(C) Policies: CGS §§ 22a-92(b)(2)(C) and 22a-92(c)(1)(K)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Bluffs &amp; Escarpments</b> - Definition: CGS § 22a-93(7)(A) Policy: CGS § 22a-92(b)(2)(A)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Coastal Hazard Area</b> - Definition: CGS § 22a-93(7)(H); Policies: CGS §§ 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters</b> - Definitions: CGS §§ 22a-93(5), 22a-93(7)(G), 22a-93(7)(K), and 22a-93(7)(L); Policies: CGS §§ 22a-92(a)(2) and 22a-92(c)(2)(A)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Developed Shorefront</b> - Definition: CGS § 22a-93(7)(I); Policy: CGS § 22a-92(b)(2)(G)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Freshwater Wetlands and Watercourses</b> - Definition: CGS § 22a-93(7)(F) Policy: CGS § 22a-92(a)(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Intertidal Flats</b> - Definition: CGS § 22a-93(7)(D) Policies: CGS § 22a-92(b)(2)(D) and 22a-92(c)(1)(K)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Islands</b> - Definition: CGS § 22a-93(7)(J) Policy: CGS § 22a-92(b)(2)(H)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Rocky Shorefront</b> - Definition: CGS § 22a-93(7)(B) Policy: CGS § 22a-92(b)(2)(B)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Shellfish Concentration Areas</b> - Definition: CGS § 22a-93(7)(N) Policy: CGS § 22a-92(c)(1)(I)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Shorelands</b> - Definition: CGS § 22a-93(7)(M) Policy: CGS § 22a-92(b)(2)(I)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Tidal Wetlands</b> - Definition: CGS § 22a-93(7)(E) Policies: CGS §§ 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* The General Coastal Resource Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

\*\* The coastal resources affected by the project can be on-site, adjacent, or further removed from the project site.

**Table 2**

<b>Coastal Uses and Associated Enforceable Policies</b>	
<input checked="" type="checkbox"/>	General Development* - CGS §§ 22a-92(a)(1), 22a-92(a)(4), and 22a-92(a)(9)
<input type="checkbox"/>	Boating - CGS § 22a-92(b)(1)(G), 22a-92(b)(1)(H), and 22a-92(b)(1)(I)
<input type="checkbox"/>	Coastal Recreation and Access - CGS §§ 22a-92(a)(2), 22a-92(a)(6), 22a-92(c)(1)(J), and 22a-92(c)(1)(K)
<input checked="" type="checkbox"/>	Coastal Structures and Filling - CGS § 22a-92(a)(2), 22a-92(b)(1)(D), 22a-92(c)(1)(B), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)
<input checked="" type="checkbox"/>	Cultural Resources – CGS § 22a-92(b)(1)(J)
<input type="checkbox"/>	Dams, Dikes and Reservoirs - CGS § 22a-92(a)(2)
<input type="checkbox"/>	Dredging and Navigation - CGS §§ 22a-92(a)(2), 22a-92(c)(1)(C), 22a-92(c)(1)(D), and 22a-92(c)(1)(E)
<input type="checkbox"/>	Energy Facilities - CGS §§ 16-50g and 16-50p(a)
<input type="checkbox"/>	Fisheries - CGS § 22a-92(c)(1)(I)
<input checked="" type="checkbox"/>	Flooding and Erosion - CGS § 22a-92(a)(5)
<input type="checkbox"/>	Fuel, Chemicals and Hazardous Materials - CGS §§ 22a-92(a)(2), 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
<input type="checkbox"/>	Facilities and Resources which are in the National Interest - Definition CGS § 22a-93(14) - Policy CGS 22a-92(a)(10)
<input type="checkbox"/>	Intergovernmental Coordination - CGS § 22a-92(a)(9)
<input type="checkbox"/>	Open Space and Agricultural Lands - CGS § 22a-92(a)(2)
<input type="checkbox"/>	Ports and Harbors – CGS § 22a-92(b)(1)(C)
<input type="checkbox"/>	Sewer and Water Lines - CGS § 22a-92(b)(1)(B)
<input type="checkbox"/>	Solid Waste - CGS § 22a-92(a)(2)
<input checked="" type="checkbox"/>	Transportation - CGS §§ 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
<input type="checkbox"/>	Water-dependent Uses** - Definition CGS § 22a-93(16) - Policies CGS §§ 22a-92(a)(3) and 22a-92(b)(1)(A)

\* The General Development Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

\*\* The Water-Dependent Uses Policies are applicable to all activities proposed at waterfront sites, including those sites with only tidal wetlands frontage.

## Identification of State Statutorily Defined Potential Adverse Impacts

In Tables 3a and 3b, identify the adverse impact categories that apply to the proposed Federal activity. The "Applicable" column **must be checked** if the proposed activity has the **potential** to generate any of the State-statutorily defined adverse impacts, even if the activity is designed to avoid such impacts. Also indicate, by checking the appropriate boxes, whether the potential adverse impacts have been avoided or minimized and whether any resource compensation is proposed.

x

**Table 3a**

Potential Adverse Impacts on Coastal Resources	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Characteristics and Functions of Resources - CGS § 22a-93(15)(H)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Coastal Flooding - CGS § 22a-93(15)(E)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Coastal Waters Circulation Patterns - CGS § 22a-93(15)(B)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drainage Patterns - CGS § 22a-93(15)(D)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Patterns of Shoreline Erosion and Accretion - CGS § 22a-93(15)(C)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Visual Quality - CGS § 22a-93(15)(F)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Quality - CGS § 22a-93(15)(A)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wildlife, Finfish, Shellfish Habitat - CGS § 22a-93(15)(G)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Table 3b**

Potential Adverse Impacts on Water-dependent Uses and Opportunities	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Locating a non-water-dependent use at a site physically suited for, or planned for location of, a water-dependent use - CGS § 22a-93(17)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Replacing an existing water-dependent use with a non-water-dependent use - CGS § 22a-93(17)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters - CGS § 22a-93(17)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Part VI: Consistency Analysis

Explain how the proposed activity is consistent with all of the applicable enforceable policies identified in Part V, why any remaining adverse impacts resulting from the proposed activity or use have not been mitigated, and why the project as proposed is consistent with the enforceable policies of Connecticut's Coastal Management Program. If an adverse impact **may** result from the proposed Federal activity, describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts. For proposed Federal Development Projects, please describe the stormwater best management practices that will be utilized. Such systems should be designed to meet the guidance provided in the accompanying instructions.

See Attachment A, Part 6

☒ Check if additional sheets are attached to this page

## Part VII: Level of Consistency and Identification of Legal Authority that Prohibits Full Consistency, if Applicable

Federal regulations allow Federal activities to be less than fully consistent with a State's enforceable policies **only** if "full consistency is prohibited by existing law applicable to the Federal Agency" [15 CFR 930.32]. Please check the appropriate box below to indicate the activities degree of consistency.

☒ Project is *fully* consistent with Connecticut's enforceable policies

☐ Project is *not fully* consistent with Connecticut's enforceable policies, but is consistent to the maximum extent practicable

If the proposed Federal Activity described in this form is not *fully* consistent with Connecticut's enforceable policies, but only consistent to the maximum extent practicable, in accordance with 15 CFR 930.32, please identify and describe the statutory provisions, legislative history, or other legal authority which limits the federal agency's discretion to comply fully with Connecticut's Coastal Management Program. Please attach additional pages if necessary. Attach copies of the relevant statutory provisions, legislative history, or other legal authority cited.

☐ Check if additional sheets are attached to this page

## Part VIII: Coastal Zone Management Act Consistency Statement

Note: This Part *must* be completed for all submissions

In this Statement "Federal Agency" means:

The U.S. Army Corps of Engineers

and "the project" means:

Byram River Flood Risk and Management Feasibility Study, Greenwich, Connecticut

This document provides the State of Connecticut Coastal Management Program with the required Consistency Determination under CZMA Section 307(c)(1) [or (2)] and 15 CFR Part 930, Subpart C, for the project described in this *Coastal Management Consistency Review Form for Federal Activities*. This determination is provided by the Federal Agency identified above. The information in this Consistency Determination is provided pursuant to 15 CFR Section 930.39. The Federal Agency has determined that the project affects the land or water uses or natural resources of Connecticut as described above. Based on the information, data, and analysis included in the *Coastal Management Consistency Review Form for Federal Activities* for the project, the Federal Agency has determined that the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Connecticut Coastal Management Program as evaluated in this form.

Pursuant to 15 CFR Section 930.41, the Connecticut Coastal Management Program has 60 days from receipt of this form in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR Section 930.41(b).

## Part IX: Certifying Signatures

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."

Signature of Certifier

Date

Name of Certifier (print or type)

Title (if applicable)



08/26/2019

Signature of Preparer

Date

Cynthia A. Baumann

Principal

Name of Preparer (print or type)

Title (if applicable)



**US Army Corps  
of Engineers®**  
New York District

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**WESTCHESTER COUNTY STREAMS,  
BYRAM RIVER BASIN**

**FLOOD RISK MANAGEMENT FEASIBILITY STUDY**

**FAIRFIELD COUNTY, CONNECTICUT AND WESTCHESTER COUNTY, NEW YORK**

**FINAL INTEGRATED FEASIBILITY REPORT &  
ENVIRONMENTAL IMPACT STATEMENT**

**APPENDIX A6-2:**

**Village of Port Chester's Local Waterfront  
Revitalization Program (LWRP) and New York State  
Coastal Zone Management Compliance Statement**

This Appendix documents the compliance of the Byram River Flood Risk and Management Feasibility Study with the Village of Port Chester's Local Waterfront Revitalization Program (LWRP) Coastal Management Policies and the Coastal Management Program Policies of New York.

**Project:** Byram River Flood Risk and Management Feasibility Study, Port Chester, New York

**Applicant:** U.S. Army Corps of Engineers (USACE), New York (District) and the Town of Greenwich, CT.

**Applicable Policies:** Based on a review of the Coastal Management Program Policies of New York, State Policies 2, 5, -8, 11, 13-1-21 23, 25, 30-31, 33, 35, 37, 39, 41, 42, and 44 are applicable. Based on a review of the Port Chester's LWRP Coastal Management Policies for the Village of Port Chester, policies 1, 2, 5, 8, 11, 13-21, 23, 25, 27, 30-31, 33, 35, 37, 39, 41 42, and 44 are applicable to this Project.

**Consistency Determination:** All of the applicable policies were evaluated with respect to the Project's consistency with their stated goals. The Project has been found to be consistent with each policy.

**State Policy 1 and Village of Port Chester Policy 1 –** Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

**Determination:** The project is not restoring, revitalizing or redeveloping any deteriorated and underutilized waterfront areas. Therefore, Policy 1 is not applicable.

**State Policy 2 and Village of Port Chester Policy 2 –** Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.

**Determination:** The U.S. Route 1 northern bridge (southbound) and the U.S. Route 1 southern bridge (northbound) over the Byram River in Port Chester, NY (west side of the river) and Greenwich, CT (east side of the river) are classified as Urban Principal Arterial roadways by ConnDOT. Both bridges currently create upstream flooding during the 2% and 1% storm events by causing flow from the Byram River to back up. The Project consists of removing the existing bridges over the Byram River and replacing them with similar bridges at an elevation approximately three feet higher than the current elevation. Raising the elevation of the bridge decks and removing the existing abutments and center pier will lower the water surface by two to four feet during for the 1% flood event. Minor channel improvements around the bridge abutments are also proposed to improve the hydraulic efficiency of the river channel.

The flood risk management project is compatible with adjacent uses and will provide for protection of coastal resources. The Project will provide improved flood protection for the Town of Greenwich and the Village of Port Chester which will benefit the local economy by protecting



commercial businesses. The Project will not adversely affect existing uses, or the economy of the Town of Greenwich and the Village of Port Chester. The Project will benefit the continued and future water-dependent uses and facilities located within the regional coastal zone area. Therefore, the Project is consistent with Policy 2.

**State Policy 3 (Policy is Not Applicable to Village of Port Chester)** – Further develop the State’s major ports of Albany, Buffalo, New York, Ogdensburg and Oswego as centers of commerce and industry, and encourage the siting in these port areas, including those under jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.

**Determination:** The Project is not located in or near any of the state’s major ports. Therefore, Policy 3 is not applicable.

**State Policy 4 and Village of Port Chester Policy 4** – Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

**Determination:** The Project does not involve the development or enhancement of traditional uses of smaller harbor areas and would not affect the economic base of such areas with unique maritime history. Therefore, Policy 4 is not applicable.

**State Policy 5 and Village of Port Chester Policy 5** – Encourage the location of development where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.

**Determination:** The Project addresses flood risk management in a specific area experiencing repeated and damaging flooding by proposing the redevelopment of a public road and bridge. Thus, the proposed development has special functional requirements which necessitates its location in a coastal area. Therefore, the Project is consistent with Policy 5.

**State Policy 6 and Village of Port Chester Policy 6** – Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

**Determination:** The responsibility of for implementing Policy 6 rests with various agencies issuing the requisite permits and/or approvals. Therefore, Policy 6 is not applicable to the proposed project.

**State Policy 7 (Policy is not applicable to Village of Port Chester)** – Significant coastal fish and wildlife habitats would be protected, preserved, and where practical, restored to maintain their viability as habitats.

**Determination:** The Project is not located in close proximity to any Significant Coastal Fish and Wildlife Habitats and would not result in adverse impacts to Significant Coastal Fish and Wildlife

Habitats designated by New York State Department of State (NYSDOS) or the Village of Port Chester. Therefore, Policy 7 is not applicable to the Project. Village of Port Chester.

**State Policy 8 and Village of Port Chester Policy 8** – Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

**Determination:** The Project will not involve any municipal, industrial, and commercial discharge of pollutants into coastal waters. Based on available existing data, hazardous toxic radioactive waste (HTRW) or contaminated sediments are not expected to be encountered during construction. All in-stream work will be required to take place in the “dry” using a cofferdam (i.e. Portodam or equivalent) to reduce the generation of turbid waters. Excavated river sediments that will be temporarily disturbed from the removal of the existing bridge abutments and minor channel improvements will be tested prior to construction and if pollutants are found to be present, appropriate mitigation measures will be implemented to avoid impacts to fish, benthic communities, and coastal resources. None of the construction materials that will be used to support bank and channel stabilization (i.e. stone and riprap materials) are considered hazardous.

Stormwater from the Project site (both during and after construction) will be managed in accordance with applicable federal and state policies and regulations.

Potentially hazardous materials typically used during construction activities that can pose a health risk to the environment if not properly stored and handled include motor fuel and oils used for vehicles and equipment. All handling of potentially hazardous materials will be conducted in accordance with applicable federal (including U.S. Army Corps of Engineers), state, and local solid and hazardous waste policies and regulations throughout the implementation of the Project. Typical mitigation measures for handling of potentially hazardous materials are identified below.

- All preventative measures will be taken to avoid the spillage of petroleum products and other pollutants. Routine vehicle and equipment maintenance and refueling will only occur in designated areas located more than 100 feet from wetland resource areas.;
- At each staging area, spill clean-up equipment (shovels, brooms, absorbent pads and materials) will be maintained for use in the event of an accidental spill;
- All fuel, oil, solvents, etc., will be stored in original containers or in containers manufactured for storing such material that are clearly labeled as to the contents of the container. Fuel, oil and other potentially hazardous materials will be kept secured in a locked storage locker designed and properly vented for storing such material. Copies of Material Safety Data Sheets for all applicable materials will be maintained at the construction site and will be readily accessible for employees or inspection officials; and
- The Contractor will immediately clean up all spills of fuel, oil, or other potentially hazardous materials. All reportable spills will be reported to the proper authorities.

No adverse impacts on fish and wildlife resources in the coastal area from the routine use of potentially hazardous construction materials and other pollutants are anticipated. Therefore, the Project is consistent with Policy 8.

**State Policy 9 and Village of Port Chester Policy 9** – Expand recreational use of fish and wildlife resources in the coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.

**Determination:** The purpose of the proposed Project is flood risk management and is located in an area that does not support nature based recreational opportunities. Therefore, Policy 9 is not applicable.

**State Policy 10 and Village of Port Chester Policy 10** – Further develop commercial finfish, shellfish and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the state's seafood products, maintaining adequate stocks and expanding aquaculture facilities.

**Determination:** The Project is not related to commercial fishery development activities in Long Island Sound waters. Development, maintenance, or marketing of commercial fisheries are not components of the project. Therefore, Policy 10 is not applicable to the Project.

**State Policy 11 and Village of Port Chester Policy 11** – Buildings and other structures will be sited in the coastal area to minimize damage to property and the endangering of human lives caused by flooding and erosion.

**Determination:** The Project involves removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three feet higher than the current elevation. The existing bridge decks currently cause flow from the Byram River to back up and exacerbate flooding and center pier upstream. Therefore, raising the elevation of the bridge decks and removing the existing abutments will lower the water surface by two to four feet during for the 1% flood event, also known as the 1% annual chance flood. Lowering the water surface elevation of the Byram River will reduce the risk of flooding in the area, thereby reducing flood and erosion damages to property and reducing the endangerment of human lives. The Project would provide flood protection for buildings and other structures located within the 1% and 0.2% floodplains of the Project area and the Village of Port Chester and Town of Greenwich. Therefore, the Project is consistent with Policy 11.

**State Policy 12 (Policy not applicable to the Village of Port Chester)** – Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

**Determination:** The Project area does not include natural protective features such as those described in the Policy. Therefore, Policy 12 is not applicable to the Project.

**State Policy 13 and Village of Port Chester Policy 13** – The construction or reconstruction of erosion protection structures shall be undertaken only if they have reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

**Determination:** The Project proposes scour protection to prevent erosion of the channel and banks of the Byram River. The construction of erosion control structures will be designed to be permanent and will control erosion for at least thirty years but likely much longer. Therefore, the Project is consistent with Policy 13.

**State Policy 14 and Village of Port Chester Policy 14** – Activities for development including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development at other locations.

**Determination:** The purpose of the proposed Project is flood risk management. The Project consists of removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three feet higher than the current elevation. The existing bridges currently cause flow from the Byram River to back up and exacerbate flooding upstream. Therefore, raising the elevation of the bridges and removing the existing abutments and center pier will lower the water surface by two to four feet during for the 1% flood event, also known as the 1% annual chance flood. Lowering the water surface elevation of the Byram River would reduce the risk of flooding in the area, thereby reducing flood and erosion damages to property and reducing the endangerment of human lives. The Project would provide flood protection for buildings and other structures located within the 1% and 0.2% floodplains of the Project area and the Town of Greenwich and the Village of Port Chester, NY. Scour protection measures will be constructed to limit erosion at Project location, particularly during flood events. Therefore, the Project would be consistent with Policy 14.

**State Policy 15 and Village of Port Chester Policy 15** – Mining, excavation, or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

**Determination:** The Project will not involve mining. The removal of the existing bridge abutments, center pier and subsequent restoration of the river banks will temporarily disturb river sediments and will therefore be required to take place in the “dry” using a cofferdam (i.e. Portodam or equivalent) to reduce the generation of turbid waters. The proposed bridge removal may temporarily increase turbidity projected to be short in duration and contained within the cofferdam area. The Project location is in the upper tidal reach and will not interfere with the coastal processes which supply beach materials or cause erosion to such land. Therefore, the Project is consistent with Policy 15.

**State Policy 16 and Village of Port Chester Policy 16** – Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

**Determination:** The Project proposes to address flood management in commercial and residential areas, which is seen as necessary to protect human life and property. The Project is not anticipated to result in increased erosion or adverse effects on natural features. Scour protection is proposed to control erosion within the channel and banks of the Byram River. Therefore, the Project is consistent with Policy 16.

**State Policy 17** - Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

**Village of Port Chester Policy 17** – Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) The setback of buildings and structures; (ii) The planting of vegetation and the installation of sand fencing and draining; (iii) The reshaping of bluffs; and (iv) The flood-proofing of buildings or their elevation above the base flood level.

**Determination:** Nonstructural measures were evaluated as part of the feasibility study, but were determined not to be cost effective. Refer to the draft Feasibility Report/Environmental Impact Statement for a full discussion of the plan formulation and alternative analysis process. The primary flood risk management measures associated with the Project to minimize damage to natural resources and property from flooding and erosion are structural. The Project involves removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three feet higher than the current elevation. Vegetation will be planted along the river banks for erosion control and aesthetics of the disturbed areas adjacent to the bridge replacement. Therefore, the project is consistent with Policy 17.

**State Policy 18 and Village of Port Chester Policy 18** - To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.

**Determination:** The proposed Project will not significantly impair any valuable coastal waters and resources and is intended to provide flood protection for both man-made and natural coastal resources. The District has held several public meetings allowing the public to input their interests. A draft Feasibility Report/EIS is being prepared and will undergo public and agency review.

**State Policy 19** – Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.

**Village of Port Chester Policy 19** - Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.

**Determination:** William James Gateway Memorial Park, one of the listed 4 waterfront properties under Village of Chester Policy 19, is located immediately adjacent to the Project area. Policy 19 states that, “the expansion of this facility as a gateway park and passive water-enhanced recreation facility will not negatively impact upon coastal resources and will meet the growing needs for this type of facility as redevelopment occurs”. The Project is not a redevelopment project, it is a flood risk management project, and proposed improvements will not impede access to the river for recreation uses. Access to the river through William James Memorial Gateway Park during construction will also not be impeded. The construction area will be fenced off to prevent public access and no trespassing signs will be posted for public safety. The northbound U.S. Route 1 bridge, which abuts the park to the north, will be replaced within the existing bridge footprint. A temporary construction easement will be required on the park property. However, there will be no permanent changes to the park as the temporary easement will be regraded to preconstruction grades and seeded with a grass seed mixture. Therefore, the Project is consistent with Policy 19.

**State Policy 20** – Access to publicly-owned foreshore and to lands immediately adjacent to foreshore or the water’s edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

**Village of Port Chester Policy 20** - Access to publicly-owned foreshore and to lands immediately adjacent to foreshore or the water’s edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

**Determination:** As mentioned above, William James Memorial Gateway Park is located adjacent to the Project. There is currently only pedestrian access to this public waterfront park; no public parking facilities are present. The pedestrian access to the park and the shoreline will remain as it currently exists. Potential short-term impacts that may occur during construction include traffic, noise, and air quality. These impacts will be temporary and will cease once construction is completed. Typical mitigation measures for construction traffic, noise from construction vehicles during day time hours (7am to 5pm), and air quality from fugitive dust (generated from site clearing, excavation, and grading) are identified below.

- A Village of Port Chester and Town of Greenwich, CT, approved traffic management plan will be required that details traffic detours during construction;
- Noise impacts will be mitigated by using new or well-maintained equipment with standard intake/exhaust mufflers and engine jackets. The best available noise-reducing technology

(i.e., specialized mufflers and shields) may be necessary to eliminate impacts to nearby receptors.

- Paved streets within and adjacent to work areas will be swept regularly.
- Dump trucks will be covered with tarpaulins and have tightly fitting tailgates.
- The Contractor will be required to maintain all work areas within or outside the project boundaries free from dust which could cause the standards for air pollution to be exceeded, and which would cause a hazard or nuisance to others; and
- Dust control will be generally accomplished by the use of water. An approved method of stabilization consisting of spraying water or other similar methods will be permitted. Calcium chloride may be used if permitted.

With the implementation of appropriate mitigation measure, the Project is consistent with Policy 20.

**State Policy 20A** – A continuous public walkway shall be provided in all publicly owned lands that have frontage of more than 0.25 miles and in urban renewal/ redevelopment areas along the foreshore of the Byram River.

**Determination:** William James Gateway Memorial Park, a publicly owned land, is located immediately adjacent to the Project area. A temporary easement is required within the park property, however this area will be restored to preconstruction conditions upon completion of the work. The Project will not result in any permanent changes to the park property. Therefore, the project is consistent with Policy 20A.

**State Policy 21**– Water dependent and waters enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

**Village of Port Chester Policy 21** – Water dependent and water enhanced recreation will be encouraged and facilitated and will be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities priority shall be given to areas where access to recreation opportunities of the coast can be provided by new or existing public transportation and to those areas where the use of the shore is severely restricted by existing development.

**Determination:** William James Gateway Memorial Park is located immediately adjacent to the Project area. The Project is not a redevelopment project, it is a flood risk management project, and proposed improvements will not impede access to the river for water dependent and water enhanced recreation uses. Access to the river through William James Memorial Gateway Park during construction will also not be impeded. A temporary easement is required within the park

property, however this area will be restored to preconstruction conditions upon completion of the work. Therefore, the Project is consistent with Policy 21.

**State Policy 22 and Village of Port Chester Policy 22** - Development, when located adjacent to the shore, will provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonable anticipated demand for such activities and the primary purpose of such development.

**Determination:** The Project is not located in an area that supports water-based recreational areas. Therefore, this policy is not applicable.

**State Policy 23 and Village of Port Chester Policy 23** – Protect, enhance and restore structures, districts areas or sites that are of significance in history, architecture, archaeology or culture of the state, its communities, or the nation.

**Determination:** The U.S. Route 1 Bridges and the William James Gateway Park and Pumphouse are eligible for the New York State and National Registers of Historic Places. The Thomas Lyon House was listed on the National Register of Historic Places. As currently proposed, this project would remove the U.S. Route 1 Bridges and replace them with higher spans with no central abutment. Removal of the bridges would constitute an adverse effect under Section 106 of the National Historic Preservation Act. A Memorandum of Agreement (MOA) will be prepared to mitigate the adverse effects through documentation of the existing bridges and design requirements of the new bridges.

The William James Gateway Park and Pumphouse and the Thomas Lyon House are located adjacent to the northbound lanes of the U.S. Route 1 Bridge (West Putnam Avenue), on either side of the Byram River. Based on current project plans, the proposed replacement of the northbound U.S. Route 1 Bridge will occur within the existing bridge footprint and alignment. In accordance with requirements from the New York Department of Transportation (NYDOT), the new bridges will be constructed with materials that will maintain the current aesthetics. There should be no adverse effect to either the William James Gateway Park and Pumphouse or the Thomas Lyon House as a result the bridge replacement.

With the execution of the MOA, the project will be consistent with this policy.

**State Policy 24 (This Policy is not applicable to the Village of Port Chester)** – Prevent impairment of scenic resources of statewide significance.

**Determination:** The Project is not located within or near any areas designated as a scenic resource of statewide significance. Therefore, Policy 24 is not applicable.

**State Policy 25 and Village of Port Chester Policy 25** – Protect, restore, or enhance natural and man-made resources which are not identified as being statewide significance, but which contribute to the overall scenic quality of the coastal area.



**Determination:** Some short-term temporary impacts to aesthetics and scenic resources are expected to result from the Project; however, these will be limited to the construction period and the area will be restored to preconstruction conditions upon completion of construction. Therefore, the project is consistent with Policy 25.

**State Policy 26 (This Policy is not applicable to the Village of Port Chester)** – Conserve and protect agricultural lands in the State’s coastal area.

**Determination:** The Project is not proposed in or located near, any agricultural lands. Therefore, Policy 26 is not applicable.

**State Policy 27 and Village of Port Chester Policy 27** – Decisions of on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilitates with the environment, and the facility’s need for a shorefront location.

**Determination:** The Project does not involve the siting or construction of major energy facilities. Therefore, Policy 27 is not applicable.

**State Policy 28 (This Policy is not applicable to the Village of Port Chester)** – Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

**Determination:** The Project does not involve ice management. Therefore, Policy 28 is not applicable.

**State Policy 29-** The development of offshore uses and resources, including renewable energy resources, shall accommodate New York’s long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.

**Village of Port Chester Policy 29** – Encourage the development of energy resources on outer continental shelf, in Lake Erie and in other waterbodies, and ensure the environmental safety of such activities.

**Determination:** The Project does not involve the development of energy resources. Therefore, Policy 29 is not applicable.

**State Policy 30 and Village of Port Chester Policy 30** – Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.

**Determination:** The Project will not involve any municipal, industrial, and commercial discharge of Pollutants into coastal waters. Sediment that will be disturbed as part of the removal of the existing bridge abutments will be tested for contaminants and the results will be reviewed by New

York State Department of Environmental Conservation (NYSDEC) staff as part of the 401 Water Quality application review. If the sediments are found to be contaminated, special handling and disposal may be required in accordance with NYSDEC standards. Industry and best management practices (BMPs) for conducting in-stream work will be implemented to protect water quality.

According to Village of Port Chester Policy 30, the NYSDEC classification of the Byram River is SC with the best usage of the waters for fishing and fish propagation, and primary and secondary contact recreation. Policy 30 further states that the water quality of the Byram River is not as clean as the currently SC classification implies due to urbanization and industrial uses along the river. The Project will evaluate improvements to the existing roadway drainage system and point source discharges to the Byram River (if any exist within the Project area). Feasible improvements may include replacing existing catch basins with new catch basins equipped with deep sumps and hoods for increased water quality treatment. Based on the above discussion, the Project is consistent with Policy 30.

**Village of Port Chester Policy 31** - State coastal area policies and management objectives of approved Local Waterfront Revitalization Programs will be considered while reviewing coastal water classification and while reviewing coastal water classification and while modifying water quality standards, however, those waters already overburdened with contaminants will be recognized as being a development constraint.

**Determination:** Please refer to response above for Policy 30. Based on that discussion, the Project is consistent with Policy 31.

**State Policy 32 (This Policy is not applicable to the Village of Port Chester)**- Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of the communities.

**Determination:** The Project will not occur in a small community with need of alternative sanitary waste treatment, or affect any local sanitary waste facilities. Therefore, Policy 32 is not applicable.

**State Policy 33 and Village of Port Chester Policy 33** – Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

**Determination:** The purpose of the proposed Project is flood risk management. The Project consists of removing the existing bridges along the Byram River and replacing them with similar bridges at an elevation approximately three feet higher than the current elevation. The existing bridges currently cause flow from the Byram River to back up and exacerbate flooding upstream. Therefore, raising the elevation of the bridge decks and removing the existing abutments and center pier would lower the water surface by two to four feet during the 1% flood event, also known as the 1% annual chance flood.

All construction activities will be conducted in accordance with applicable federal, state, and local regulations for erosion and sediment control. A site-specific Stormwater Pollution Prevention Plan (SWPPP) will be prepared as part of the New York Pollutant Discharge Elimination System (NYSPDES) General Permit (GP) for Stormwater Discharges from Construction Activity (GP-08-001) for construction sites disturbing 1 acre (0.4 hectare) or more. In addition, an erosion and sediment control plan (ESCP) will be prepared as required by NYSDEC Standards and Specification for Erosion and Sediment Control (NYSDEC 2005). The ESCP will be included in the site-specific SWPPP prepared for the Project, and will identify site conditions and temporary and permanent erosion, sediment, and stormwater risk management measures.

Best management practices set forth in the latest Westchester County manual for non-point source pollution will be implemented. Long-term erosion control measures such as bank stabilization where the existing bridge abutments were removed will be designed, constructed, and maintained according to NYSDEC and the U.S. EPA standards. Temporary measures during the construction will include using compost logs, silt fence, silt sacks, and erosion control blankets. All in stream work will be required to be performed in the “dry” using a cofferdam (i.e. Portodam or equivalent) to minimize impacts. Additional industry standard BMPs for in stream work will be used including use of a downstream silt curtain. Therefore, the Project is consistent with Policy 33.

**State Policy 34 and Village of Port Chester Policy 34** - Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

**Determination:** The Project will not involve the discharge of waste materials into coastal waters from vessels. Therefore, Policy 34 is not applicable.

**State Policy 35 and Village of Port Chester Policy 35** – Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing state permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

**Determination:** The removal of the existing bridge abutments and subsequent restoration of the river banks will temporarily alter river sediments and therefore be required to take place in the “dry” using a cofferdam (i.e. Portodam or equivalent) to reduce the generation of turbid waters. The proposed bridge removal may temporarily increase turbidity and contained within the cofferdam area. Any impact on water quality will also be temporary and localized since turbidity levels and the concentration of materials suspended in the water column will quickly return to ambient conditions. A silt curtain will be installed downstream of the work area to further prevent any sediment or turbid water from migrating downstream. Furthermore, to minimize impacts to fish and aquatic resources, in-stream work will not be conducted during time of the year (TOY) restrictions expected to include the spring and fall months for the Project. The duration of the in-stream work is expected to be no longer than 30 days for the two bridges. Therefore, the Project is consistent with Policy 35.

**State Policy 36 and Village of Port Chester Policy 36** – Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

**Determination:** The Project will not involve activities related to the shipment and storage of petroleum and other hazardous materials. Therefore, Policy 36 is not applicable.

**State Policy 37 and Village of Port Chester Policy 37** – Best management practices will be utilized to minimize the non-point discharge of excess nutrient, organics, and eroded soils into coastal waters.

**Determination:** Stormwater from the Project will be controlled as described for Policy 33. Approved BMPs for erosion and sediment control will be used during ground-disturbing activities for the bridge replacements. Temporarily altered vegetated areas will be restored to preconstruction. The Project is consistent with Policy 37.

**State Policy 38 (This Policy is not applicable to the Village of Port Chester)** – The quality of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

**Determination:** This policy relates to protection of surface and groundwater resources as a source of drinking water and affords special protection to Long Island’s groundwater aquifers. The Project is located within the Byram River which is not used as a water supply and is not located in Long Island. Therefore, Policy 38 is not applicable.

**State Policy 39 and Village of Port Chester Policy 39** – The transport, storage, treatment, and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.

**Determination:** The definition of solid waste includes demolition and construction debris (Village of Port Chester Waterfront Policies Section III). Demolition and construction debris generated by the Project will be the responsibility of the contractor and will be transported, stored, treated, and disposed of in accordance with applicable Federal, New York state, and local policies. No significant adverse impacts on groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources are anticipated to result from the implementation of the proposed action. Therefore, the project is consistent with Policy 39.

**State Policy and Village of Port Chester Policy 40** - Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

**Determination:** The Project will not involve the discharge of effluent from major steam electric generating and industrial facilities. Therefore, Policy 40 is not applicable.

**State Policy 41 and Village of Port Chester Policy 41** – Land use or development in the coastal area will not cause national or state air quality standards to be violated.

**Determination:** The Project has been assessed for consistency with the Clean Air Act (CAA). Emissions attributable to the Project will be below the General Conformity Rule applicability thresholds. Therefore, the Project will be consistent with Policy 41.

**State Policy 42 and Village of Port Chester Policy 42** – Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

**Determination:** The Project does not involve the reclassification of land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act. Therefore, the Project is consistent with Policy 42.

**State Policy 43 (This Policy is not applicable to the Village of Port Chester)** – Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

**Determination:** Consistent. Refer to text for Policy 41. **State Policy 44 and Village of Port Chester**

**Policy 44** – Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

**Determination:** Based on review of available existing information and site visits, there are no associated tidal or freshwater wetlands in the project area of the U.S. Route 1 Bridge replacement. The Project will temporarily impact Waters of the U.S. (i.e. Byram River) from the removal of the existing bridge abutments and bank stabilization. Temporarily disturbed areas will be restored to pre-construction conditions. These Project impacts will comply with permit conditions received from the NYSDEC, and Village of Port Chester. All in stream work will be required to be performed in the “dry” using a cofferdam (i.e. Portodam or equivalent) to minimize impacts. Additional industry standard BMPs for in stream work will be used including use of a downstream silt curtain. Following construction, temporary staging areas will be stabilized by hydroseeding and planting native trees and shrubs. With these avoidance, minimization, and mitigation measures, the Project is consistent with Policy 44.

## 1. REFERENCES

New York State Department of State (NYSDOS). June 2017 Coastal Management Program, State Coastal Policies (including Program changes in 1983, 2001, and 2017). Available at: <https://www.dos.ny.gov/opd/programs/pdfs/CoastalPolicies.pdf>

Village of Port Chester Local Waterfront Revitalization Program (LWRP), as approved in 1992.