

Westchester County Streams, Byram River Basin,  
Flood Risk Management Feasibility Study  
Fairfield County, Connecticut and Westchester County,  
New York

Appendix A.11  
General Coordination



U.S. Department  
of Transportation

**Federal Highway  
Administration**

**Connecticut Division**

April 18, 2018

628-2 Hebron Avenue  
Suite 303  
Glastonbury, CT 06033  
860-659-6703  
860-659-6724  
Connecticut.FHWA@dot.gov

In Reply Refer To:  
HEO-CT

Ms. Kimberly Rightler  
Project Biologist  
U.S. Army Corps of Engineers  
Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, New York 10278-0090

Dear Ms. Rightler:

The Federal Highway Administration (FHWA) Connecticut Division received your letter dated March 23, 2018 inviting FHWA to become a cooperating or participating agency for the Environmental Impact Statement to examine flood risk management measures along the Byram River within the Town of Greenwich, CT and the Village of Port Chester, NY.

The FHWA Connecticut and New York Division Offices reviewed your request jointly, and while we do appreciate the invitation, we have decided to decline the offer to become a cooperating or participating agency. We do not expect the proposed undertaking to require specific action by FHWA, nor are we aware of any Title 23 (surface transportation) funds programmed for the proposed undertaking. While we do have special expertise with respect to the highway system, the scope of work you are proposing would normally be overseen by the state DOT owner/operator (in this case, the New York State Department of Transportation) and not FHWA.

For these reasons, the FHWA is hereby declining your invitation to become a cooperating or participating agency.

If you have any questions please do not hesitate to contact me at 860-494-7577 or christopher.hansen@dot.gov.

Sincerely yours,

Chris Hansen  
Acting Team Leader for Planning, Environment,  
and Research

cc: Sara Gross (FHWA New York Division)

**From:** Rightler, Kimberly CIV USARMY CENAN (US)  
**To:** ["Hansen, Christopher \(FHWA\)"](#)  
**Cc:** [Gross, Sara \(FHWA\)](#); [FHWA, Connecticut \(FHWA\)](#); [Brighton, Nancy J CIV USARMY CENAN \(US\)](#)  
**Subject:** RE: Cooperating/Participating Agency Invitation for Byram River EIS  
**Date:** Thursday, April 19, 2018 8:43:00 AM

---

Good Morning Mr. Hansen,

I'm confirming receipt of your letter declining our invitation to become a cooperating agency. We appreciate your quick response. We will send you a notice of availability when we initiate the 45 day public/agency review period for the Draft Feasibility Report/Environmental Impact Statement to give you an opportunity to comment on the report.

Thank You,  
Kimberly Rightler  
Project Biologist  
917-790-8722

U.S. Army Corps of Engineers, New York District  
26 Federal Plaza  
Rm 2146  
New York, NY 10278

-----Original Message-----

From: Hansen, Christopher (FHWA) [<mailto:christopher.hansen@dot.gov>]  
Sent: Wednesday, April 18, 2018 3:50 PM  
To: Rightler, Kimberly CIV USARMY CENAN (US) <Kimberly.A.Rightler@usace.army.mil>  
Cc: Gross, Sara (FHWA) <sara.gross@dot.gov>; FHWA, Connecticut (FHWA) <Connecticut.FHWA@dot.gov>  
Subject: [Non-DoD Source] Cooperating/Participating Agency Invitation for Byram River EIS

Ms. Rightler,

Please see attached for FHWA's response to the invitation to become a cooperating or participating agency for the EIS to examine flood risk management measures along the Byram River within the Town of Greenwich, CT and the Village of Port Chester, NY.

Thank you,

Chris Hansen

Acting Team Leader for Planning, Research, and Environment

Federal Highway Administration

628-2 Hebron Avenue, Suite 303

Glastonbury, CT 06033

860.494.7577

christopher.hansen@dot.gov <<mailto:christopher.hansen@dot.gov>>



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

March 23, 2018

Planning Division

Mr. Michael Canavan  
New York Division Office  
Federal Highway Administration  
Leo W. O'Brien Federal Building  
Room 719  
11A Clinton Avenue  
Albany, NY 12207

Dear Mr. Canavan:

The U.S. Army Corps of Engineers (Corps), New York District (District), in cooperation with the Town of Greenwich is conducting a feasibility study to examine flood risk management measures along the Byram River within the Town of Greenwich, CT and the Village of Port Chester, NY.

For some background, the District formulated a total of five flood risk management (FRM) alternatives for evaluation. A preliminary screening analysis identified two alternatives to be advanced for further evaluation. One of the alternatives advanced, known as Alternative 5, includes the removal and replacement of the Route 1 bridge decks within the Byram Circle in the Town of Greenwich. The bridges are owned by the New York Department of Transportation and the District has been closely coordinating with them throughout the feasibility phase.

A Notice of Intent to prepare an Environmental Impact Statement was published in November 22, 2017 and a National Environmental Policy Act (NEPA) Scoping Meeting was held on November 16, 2018. In addition, there was a 30 day NEPA Scoping Period from November 16, 2018 through December 15, 2018. As part of the NEPA Scoping, Scoping Document was prepared and is enclosed for your information (Encl. 1). Subsequent of the NEPA Scoping Period, further analysis identified Alternative 5 as the Tentatively Selected Plan which is plan with the highest net benefits.

As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.<sup>1</sup>

Because Route 1 is a U.S. highway, this letter serves as an invitation for your agency to participate in the feasibility study as a Cooperating Agency in accordance with the Council of Environmental Quality (CEQ) final implementing regulations for NEPA (40 C.F.R.§1501.16 and §1508.5). Should your agency

choose to assume cooperating status, your agency's specific responsibilities as a cooperating agency will include:

- Attendance at and input during agency coordination meetings
- Comment and feedback on the EIS schedule, overall scope of the document, significant issues to be evaluated in the EIS, environmental impacts, study and assessment methodologies, range of alternatives and proposed compensatory mitigation, if applicable
- Guidance on relevant technical studies required as part of the EIS
- Identification of issues related to your agency's jurisdiction by law and special expertise
- Participation, as appropriate, at public meetings and hearings
- Timely review of the administrative and public drafts of the Draft Integrated Feasibility Report(IFR)/EIS and Final IFR/EIS;
- Providing staff support at the lead agency's request to enhance the latter's interdisciplinary capability.

As part of the feasibility study, the District is preparing an integrated Feasibility Report and Environmental Impact Statement (EIS) pursuant to NEPA, as amended. The integrated Feasibility Report and EIS will summarize the Corps' planning and evaluation process, FRM alternatives evaluated and the environmental impacts associated with the Tentatively Selected Plan. The Draft integrated Feasibility Report and EIS is scheduled to be released for public and agency review in June 2018.

As a cooperating agency, you have the right to expect that the NEPA document will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your agency's requirements are not being met. We expect that, at the end of the NEPA process, the EIS will satisfy your NEPA requirements including those related to project alternatives, environmental consequences and mitigation.

Your agency does not have to accept this invitation to be a cooperating agency or a participating agency. If, however, you elect not to become either a cooperating agency or participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to Ms. Kimberly Rightler, Project Biologist at [kimberly.a.rightler@usace.army.mil](mailto:kimberly.a.rightler@usace.army.mil).

In order to give your agency adequate opportunity to weigh the relevance of your

<sup>1</sup> Designation as a "participation agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 CFR 4 - 1508.5.

participation as either a cooperating agency or a participating agency or both in this environmental review process, written response to this invitation is not due until April 20, 2018. Please be aware that we have also sent this request to your counterpart, Ms. Amy Jackson-Grove, at the Connecticut Division of your agency.

We look forward to your response to this request and your role as a cooperating or participating agency on this study. If you have questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact Ms. Kimberly Rightler at (917) 790-8722 or email above.

Sincerely,



Clifford S. Jones  
Chief, Planning Division

Encls.

Cc: A. Jackson-Grove, Connecticut Division Office, FHA



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

March 23, 2018

Planning Division

Ms. Amy Jackson-Grove  
Connecticut Division Office  
Federal Highway Administration  
628-2 Hebron Avenue  
Suite 303  
Glastonbury, CT 06033

Dear Ms. Jackson-Grove:

The U.S. Army Corps of Engineers (Corps), New York District (District), in cooperation with the Town of Greenwich is conducting a feasibility study to examine flood risk management measures along the Byram River within the Town of Greenwich, CT and the Village of Port Chester, NY.

For some background, the District formulated a total of five flood risk management (FRM) alternatives for evaluation. A preliminary screening analysis identified two alternatives to be advanced for further evaluation. One of the alternatives advanced, known as Alternative 5, includes the removal and replacement of the Route 1 bridge decks within the Byram Circle in the Town of Greenwich. The bridges are owned by the New York Department of Transportation and the District has been closely coordinating with them throughout the feasibility phase.

A Notice of Intent to prepare an Environmental Impact Statement was published in November 22, 2017 and a National Environmental Policy Act (NEPA) Scoping Meeting was held on November 16, 2018. In addition, there was a 30 day NEPA Scoping Period from November 16, 2018 through December 15, 2018. As part of the NEPA Scoping, Scoping Document was prepared and is enclosed for your information (Encl. 1). Subsequent of the NEPA Scoping Meeting, further analysis identified Alternative 5 as the Tentatively Selected Plan which is plan with the highest net benefits.

As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.<sup>1</sup>

Because Route 1 is a U.S. highway, this letter serves as an invitation for your agency to participate in the feasibility study as a Cooperating Agency in accordance with the Council of Environmental Quality (CEQ) final implementing regulations for NEPA (40 C.F.R. §1501.16 and §1508.5). Should your agency choose to assume cooperating status, your agency's specific responsibilities as a

cooperating agency will include:

- Attendance at and input during agency coordination meetings
- Comment and feedback on the EIS schedule, overall scope of the document, significant issues to be evaluated in the EIS, environmental impacts, study and assessment methodologies, range of alternatives and proposed compensatory mitigation, if applicable
- Guidance on relevant technical studies required as part of the EIS
- Identification of issues related to your agency's jurisdiction by law and special expertise
- Participation, as appropriate, at public meetings and hearings
- Timely review of the administrative and public drafts of the Draft Integrated Feasibility Report(IFR)/EIS and Final IFR/EIS;
- Providing staff support at the lead agency's request to enhance the latter's interdisciplinary capability.

As part of the feasibility study, the District is preparing an integrated Feasibility Report and Environmental Impact Statement (EIS) pursuant to NEPA, as amended. The integrated Feasibility Report and EIS will summarize the Corps' planning and evaluation process, FRM alternatives evaluated and the environmental impacts associated with the Tentatively Selected Plan. The Draft integrated Feasibility Report and EIS is scheduled to be released for public and agency review in June 2018.

As a cooperating agency, you have the right to expect that the NEPA document will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your agency's requirements are not being met. We expect that, at the end of the NEPA process, the EIS will satisfy your NEPA requirements including those related to project alternatives, environmental consequences and mitigation.

Your agency does not have to accept this invitation to be a cooperating agency or a participating agency. If, however, you elect not to become either a cooperating agency or participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to Ms. Kimberly Rightler, Project Biologist at [kimberly.a.rightler@usace.army.mil](mailto:kimberly.a.rightler@usace.army.mil).

In order to give your agency adequate opportunity to weigh the relevance of your participation as either a cooperating agency or a participating agency or both in this

<sup>1</sup> Designation as a "participation agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 CFR 4 - 1508.5.

environmental review process, written response to this invitation is not due until April 20, 2018. Please be aware that we have also sent this request to your counterpart, Mr. Michael Canavan, at the New York Division of your agency.

We look forward to your response to this request and your role as a cooperating or participating agency on this study. If you have questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact Ms. Kimberly Rightler at (917) 790-8722 or email above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Jones', with a large, sweeping flourish extending to the right.

Clifford S. Jones  
Chief, Planning Division

Encl.

Cc: M. Canavan, New York Division Office, FHA