

**CITY OF NORWALK
HARBOR MANAGEMENT COMMISSION
SPECIAL MEETING
DECEMBER 20, 2016**

ATTENDANCE: Tony Mobilia, Chair; William Gardella, Joseph Perella,
Dennis Santella

OTHERS: Michael Griffin, Norwalk Harbor Master; Geoff Steadman, NHMC
Consultant (9:29 a.m.); James Fallon, CT DOT; Dean Cerasoli,
CT DOT; Mark Alexander, CT DOT; Lauren DiGiovanni, CT
DOT; Kevin Slattery, CT DOT; Heather Cwikla, PB World; Adam
Fox, CT DOT; Paul Saviano

CALL TO ORDER.

Mr. Mobilia called the meeting to order at 9:07 a.m. A quorum was not present. He led those present in reciting the Pledge of Allegiance.

Discussion and clarification of the Norwalk Harbor Management Commission's EA/EIE comments and future mitigations with the Connecticut Department of Transportation (DOT).

Mr. Fallon thanked Mr. Mobilia for the Harbor Commission's letter and said that the DOT team was here to clarify the comments and provide responses to the comments in the letter. This will be the first of several meetings and today would be a listening session for the DOT in order to best capture the best way to respond to the comments. This will also be done with all the other stake holders, also.

There are some themes that were included in the letter. Mr. Alexander and Mr. Slattery will talk about the scope and intent of the early planning documents (Environmental Assessment/Environmental Impact Evaluation (EA/EIE)) , along with the process of identifying and mitigating various impacts.

Mr. Alexander said that they would like to start off with identifying what kind of document they would like to have. This is a very early planning document and many people ask for details that have not been determined yet. It will be important to move forward with a completed NEPA and CEPA documents; the group cannot move past the preliminary designs until then.

The State is looking at what they may be able to be mitigate. The comments from the NHMC and the public will help guide the engineering design. The commitments in the

legal document will define the impacts. The DOT will have to get into much greater detail in order to clarify what things they have to mitigate as the project moves forward. Mr. Slattery said that they were receiving very good information in the planning stage and this is a major leg up. It helps the stake holders, also. Mr. Alexander said that in other projects, they would be making assumptions, but this early additional information helps the design stages.

Mr. Fallon said that his department does not have the level of detail that a development proposal submitted to the Harbor Management Commission would normally have. He said that as the mitigation plan is developed, then design can move forward. However, the DOT needs to be at about 60% of design before the details can be filled in.

Mr. Mobilia pointed out that the FTA and the DOT asserted in their statement that the Walk Bridge project would have “no significant impact on the Harbor and waterfront”. Mr. Mobilia wanted to know how they would have determined this already. Mr. Alexander explained that the Federal government used language like this but added that there was nothing that the DOT expected to find that could not be mitigated.

Mr. Slattery said that one of the questions was the definition of "significant". He said that while an individual who has a boat or dock, or house involved, the impact would be very significant, but NEPA uses it in a very broad perspective. If the DOT knows that there is a significant impact, it will be reported. He cautioned everyone that the Federal Government makes the final decision as to what is significant impact. He said that right now, the DOT does not see any potential significant impacts.

Harbor Master Griffin said that until the design phase is completed, the DOT doesn't know what kind of impacts would happen. Mr. Alexander pointed out that there was a great deal of information that has to go into the design phases. So far, there has not been anything unique that has been identified with this project.

Harbor Master Griffin asked for confirmation of this. Mr. Alexander said that Mr. Fox was present because he would be dealing with the material that was removed from the old bridge.

Mr. Steadman joined the meeting at 9:29 a.m.

Harbor Master Griffin asked if they had received any guidance from the Coast Guard. Ms. DiGiovanni said that they had several meetings with the Coast Guard about the re-alignment of the channel and how it relates to the Stroffolino and I- 95 bridges.

Harbor Master Griffin asked if they would receive this information as it becomes available. Mr. Fallon said that they had checked with the Coast Guard, the Army Corps of Engineers and other agencies about the project and their response comments have been

good. Mr. Alexander said that the other agencies had not identified any flaws in the proposal.

Mr. Cerasoli said that this was a unique situation where the State has to maintain both railroad traffic and navigation at all times of the project. When replacement bridges are done for highways, they can often construct a bypass bridge.

Mr. Santella said that they were talking about a design plan at 30% of completion. He wondered what would happen when they reached 60% and wanted to know if the DOT would go back and revise the earlier design. Mr. Alexander said that the DOT would do a re-evaluation but expected that they would simply be fine tuning the design rather than a re-evaluation since they have analyzed this project fairly thoroughly.

Mr. Santella asked what the definition of "impacts" is. Mr. Santella said that what the Harbor Management Commission felt would be an important impact may not be viewed by the DOT as significant. Mr. Fox said that this would be discussed at future meetings. Mr. Alexander said that by meeting with the Commission and other residents, there should not be any major impacts.

Mr. Perella asked about the overview. Mr. Fox said that this was like a 50,000 foot aerial photograph and that as they focused on the project more, other details will become clearer. Mr. Alexander said that if there was a major issue that came up and rendered the proposed design non-feasible, then the DOT would look at alternative designs and inform the public.

Ms. DiGiovanni said that the piers and some of the base foundations would have been completed by that stage and the bridge design would be changed. Mr. Perella said that the environmental designs would be addressed during the permitting stage. Mr. Alexander confirmed that.

Mr. Fallon said that these comments were very helpful in understanding how the community feels and what the concerns are. There have been concerns about construction noise and other impacts and the impact on the Maritime Aquarium, and these impacts for the most part have been included in the document. From a conceptual standpoint, it will be important for these to be identified in the document and a series of responses to these various impacts. In the timeline, there will be various impact mitigation plans and the DOT will contact the affected stake holders, such as business owners.

Mr. Slattery said that there have been some suggested mitigation plans in the document, but there are many opportunities to develop detailed plans. He displayed a document listing various plans, such as dredge disposal, traffic plans or water quality protection plans. Each federal agency knows what is committed to in the EA/EIE document and will be monitoring the project.

Mr. Perella asked about the permitting phase and wanted to know what the middle ground was before the shovels go into the ground. Mr. Alexander said that this was the reason the DOT was present today. He said that when the DOT has developed the plans, they will be published for the public. The goal is to have a plan that will guide the project through development and not just having a piece of paper to have a plan.

Mr. Slattery said that they were compiling the comments and there would be responses that would be added to the EA/EIE document. Mr. Fallon said that the responses to the comments would be done between now and March. Then the DOT will submit the application and receive permission to move forward with the design. It is a fluid process. Mr. Fallon said the development of mitigation plans will probably happen during the end of next year.

Mr. Perella asked when the final design would be chosen. Mr. Alexander said that they should have a recommendation by next summer. Mr. Fallon said that the long span lift design is currently the preferred design and he would be surprised if that changed. Mr. Alexander said that there have been some suggested alternative designs and the DOT has to respond to each one. Discussion followed about potential alternative designs.

Harbor Master Griffin asked if he could recommend that in future, that a Coast Guard representative who was familiar with the project be present. Mr. Fallon said that he would try to arrange this. Harbor Master Griffin asked if the Coast Guard staff would be updated on the changes. As a State Harbor Master, Harbor Master Griffin said that he was charged with clarifying the impacts on the water dependent business both above and below the bridge. Mr. Fallon said that he would arrange this and possibly have the DEEP present as well.

Mr. Mobilia said that the project has been divided up into many segments rather than just one project. He mentioned a signal submarine cable pre-application and the environmental impacts. He asked if it would have been better to have dealt with this as one project because the environmental concerns applied to the entire project.

Mr. Fallon said that this was part of the interlocking project and that this project, like the Dockyard Project, has “independent utility” and therefore doesn’t have to be included in the EA/EIE. Interlocking is what happens when the trains shift from one track to another. The existing interlock is currently at Mile 48, but the Walk Bridge is at Mile 41. Currently, the trains turn at South Norwalk, but it makes more sense to have them turn at the branch line.

Mr. Fox said that for all the projects, they have done analysis of the dredged material they would be removing and that the top four feet of material is contaminated. Core samples

have been taken. The DEEP will tell the DOT how the material must be handled and disposed. Having the contractor on board already has been helpful.

Mr. Mobilia pointed out that the cable will be close to the stanchion for the bridge and asked how that will happen. Mr. Fox said that they would be looking at any material that will be removed to complete the project. Mr. Fallon said the removal of material for the bridge construction will be much greater than it will be for the submerged cable. Mr. Fox said that they would be looking at a complete design plan for this.

Mr. Steadman said that he had spoken about the environmental review process with Mr. Fox at the DEEP and Mr. Fox was very helpful. He asked for clarification on the mitigation plans and whether it is acceptable in the EA/EIE to simply say that impacts will be mitigated. Mr. Alexander said yes and that the term Finding of No Significant Impact is confusing because they can't get more information on impacts until they get further along with the design. He said that there are many checks and balances to make sure the impacts are mitigated that are centered around "Trust, but. Verify." The final evaluation happens when the permitting is done. Discussion followed about the details of the permitting process and the inwater and upland impacts and that the permitting only concerns the inwater impacts.

The discussion moved to the Aquarium and the commitments to mitigate the impact to the Aquarium. Mr. Fallon said that the DOT will continue to work with Aquarium. It is important to make sure key stake holders like the Aquarium are satisfied. As issues come up during construction, Mr. Cerasoli will have to address them.

Mr. Santella asked about the design for the various other bridges. Mr. Fallon said that the bridges were reconstructed and the contractor will be doing the same type of work. However there are other staff that are designing those projects. There is close coordination with them in order to coordinate the lane closures and other details, such as track outages. Mr. Alexander said that they have considered this and the work will be done concurrently.

Harbor Master Griffin left the meeting at 10:30 a.m.

Mr. Fallon said that they would like to review the letter from the Harbor Management Commission dated December 1, 2016. Copies of the DOT's comments were then distributed to the Harbor Commissioners present.

Mr. Slattery noted that on Page 3, under Item #5 regarding the various permits that the DOT concurs with the Harbor Commission's comments.

Regarding item #6 on page 3, Mr. Slattery said that the DOT was simply making a comment. Mr. Steadman pointed out the way that the Commission handles the review of

proposals for consistency with the Harbor Management Plan. The Plan did not envision replacement of the Walk Bridge but has policies for protecting water quality, public access, navigation, and water-dependent uses. The Commission will review the DOT's plans with respect to these and other applicable policies. He said that a recommendation of the Commission with respect to the Harbor Management Plan is binding on state decisions unless the state shows cause otherwise. If the Commission makes an unfavorable decision, the DOT needs to explain their reasons for taking the action. Mr. Slattery said that this was exactly the information they were trying to identify.

Mr. Fallon then asked for further clarification on the finding and recommendations item #4 concerning water quality monitoring. Mr. Steadman said that in Fairfield, when the Mill River work was done, there was a requirement for water quality to be monitoring during the project for turbidity and other conditions of concern.

Mr. Steadman said that he has concerns about the displacement of the Sheffield Island Ferry (#5) service and Maritime Aquarium research vessel and wished to know how they would propose the mitigation for that. Mr. Alexander said that this was currently being discussed. Mr. Fallon said that they were working with the Aquarium and the Norwalk Seaport on this, but they can only facilitate and work with them and not identify sites for their relocation. Mr. Fallon said that he felt that there would be a good outcome and would be resolved in the coming year. Discussion followed about the details of potential improvements to the public docks.

Mr. Steadman asked if it would be possible for the DOT to make improvements to the city's public docks so that the Seaport and Maritime Aquarium vessels could be moved there until construction was completed. Mr. Mobilia pointed out that moving the vessels to those docks would require a different type of dock for commercial use. He also wished to know who would be the one to make the request to the DOT. Should the request come from the City, the Aquarium, Recreation and Parks Department or the Harbor Management Commission? Mr. Fallon said that he thought that all the entities would probably need to make the request. Mr. Fallon said that there were all kinds of possibilities and noted that the Historical Commission had a list of items that they would like to see. He pointed out that there were not unlimited funds. He also noted that there was conflicting information and had been told that the city had already made an accommodations for the vessels at the City docks. Mr. Steadman made a note of this.

Mr. Steadman asked about the relocation of the Eversource transmission power lines and why this isn't addressed in the EA/EIE. Mr. Fallon said that Eversource was going to relocate the lines even if the bridge wasn't being replaced. Mr. Steadman said there seem to be some conflicts in the schedule since the Walk Bridge work is scheduled to start in 2018 and Eversource has indicated they will start their project in 2019. Mr. Fallon said there isn't a conflict because the first stage of the Walk Bridge work would be foundation

work and that should take a year and a half before they deal with the catenary towers and Eversource has to relocate the lines.

Mr. Santella asked if DOT was involved with the Eversource decision to take the lines off the catenary towers and submerge the lines. Mr. Fallon said that he had heard that the lines may be moved south of the bridge.

Mr. Santella asked about the aesthetic design of the new bridge. Ms. DiGiovanni said that there have been meetings about this and that they would try to maintain the historic character. Mr. Fallon said that the current towers are 200 feet tall, but the towers for the new bridge will be about 150 feet tall. Ms. DiGiovanni said that there have been discussions about using some of the old bridge material for display purposes. Mr. Alexander said that they had been asked to consider providing a video of the current bridge and the construction of the new bridge.

Mr. Slattery said that Item 3 on page 6 was considered as a comment and that many of the mitigation plans would address the concerns.

Mr. Steadman asked for clarification on the contents of an EIS. Mr. Alexander said the DOT was required to do an EIE. Mr. Fallon said that he did not think that there would be additional information in the EIS that wasn't already in the EIE. Mr. Slattery said that an EIS would be of the same level of detail as the EIE.

Mr. Steadman asked about the role of the FTA. Mr. Alexander explained that if the FTA would evaluate the EA and that the DOT is coordinating with the FTA. Mr. Alexander said that an EA was prepared because an existing bridge is being replaced and the rail line isn't being relocated.

Mr. Alexander said that they were used to working with Federal agencies and would be doing their best to work towards the best outcome.

Mr. Santella said that after hearing this explanation, he realized that the EIS would not contain more information. Mr. Santella said that the perception was in preparing an EIS, that the Commission would be getting more details but this was incorrect. Mr. Alexander pointed out that DOT would have to work with Federal groups and did not want to waste time or money proposing something they could not get a permit to build. The discussion moved to Page 8, item #5, which points out the fact that Public Works does not have the staff to monitor this project. Mr. Steadman said that the HMC has recommended that the city retain the services of an independent third party engineer to evaluate the DOT's findings and that such an independent expert might be able to confirm the DOT's findings with regard to why a fixed bridge is not feasible. Mr. Steadman said he thinks this would be beneficial to the DOT. Mr. Slattery said that this was background work that the department does routinely. Mr. Fallon said that the DOT does not normally

provide funds for the city to hire an outside expert and thought the city had already done this.

Mr. Steadman said that the City had hired an outside law firm to review the EA/EIE process but he didn't think they intended to hire an engineering expert. Mr. Steadman also reiterated that the Public Works Department had also requested outside assistance for review of the bridge plans.

Mr. Fallon said that the remaining items were all comments that they had seen before. He asked if the Harbor Commission had anything that needed to be highlighted. Mr. Steadman pointed out that the Harbor Management Commission's initial comments had been made to the DOT approximately one year ago.

Mr. Fox said they had decided that any dredged materials would be deposited of upland. Mr. Steadman asked where they would be doing the de-watering. Mr. Fox thought that it might be done on a barge. When the Danbury dockyard project is done, an area will be identified for dredge material and this would most likely be used for this project, also.

Mr. Steadman thanked Mr. Fox for sending the lab results for the sediment study.

The discussion then moved to the recent Northeast Corridor improvement study EIS announcement that includes a proposal for a new high speed rail line crossing the Norwalk River next to the I-95 bridge. Mr. Fallon said that they were not involved in this. Mr. Steadman said that the Federal Northeast Corridor improvement study should be appropriately referenced in the EA/EIE.

Mr. Fallon said that the Commission had talked about the coordination between the State and the City, such as fire and other emergencies and that this was considered.

Mr. Steadman asked if there was any other considerations that the contractor may pursue for the use of properties not identified in the EA/EIE. Mr. Fallon said that he was not aware of any additional properties that the contractor may need. This is standard language that is included in case the contractor finds out that he needs more room. Mr. Fallon said that they had reached out to NRG about possible use of Manresa Island but that NRG wanted a five year lease with a fairly high cost, so it currently is not on the table.

Mr. Steadman asked how the contractor planned to "float in and float out" various pieces of equipment. Mr. Fallon said that there were some parcels named in the document and the contractor may or may not use those parcels. It requires a fairly large staging area. Mr. Fallon said that one thing that they had already received feedback on is the depth of the river and whether this would be possible.

Mr. Santella asked about the level of communication for the local residents. Mr. Cerasoli said that he was required to fulfill all the promises that were made in the contract. Ms. Cwikla said that there had been a similar issue in New Haven and there was a major effort to contact and communicate with the affected businesses. Mr. Fallon said that they would be meeting with the Redevelopment Agency later in the day and discussing this type issue. Ms. Cwikla said that they have done door to door contact and are sending out weekly bulletins.

Mr. Steadman said that this meeting had been very helpful. However, he said that he still needed to get a grasp on how a finding of no significant impact is possible when not all the impacts are known and the mitigation plans have not been developed. Mr. Fallon said that he needed to get more comments from others and would be contacting the Commission for an update. Mr. Steadman said that the DOT might want to suggest that Eversource contact the DEEP because Eversource apparently has not yet contacted the DEEP to discuss permitting for relocation of the electric cables. He also suggested that the DEEP may require DOT to use an “environmental dredging bucket” when excavating contaminated material. Mr. Mobilia reminded everyone that they have a major shellfish industry in town and anything that goes into the water affects the shellfish.

Mr. Fallon said that they were meeting with other departments in the coming days

Mr. Steadman said at some point that there should be a factual discussion about the definition of “navigability” and the suggestion by some people that perhaps if the river is declared “non-navigable” then it would not be necessary to build a moveable bridge. Mr. Mobilia said that the Commission's concern was to keep the harbor open.

Mr. Saviano said that any meeting that has communication is beneficial and was amazed at the level of complexity required in terms of design and permitting. He added that there was a lot of mis-conception by the public on this project. He said that he liked the way that the process was going.

ADJOURNMENT

Mr. Mobilia adjourned the meeting at 11:48 a.m.

Respectfully submitted,
S. L. Soltes
Telesco Secretarial Services.

Amended 12/29/16 for clarification purposes.
ANM/gs

