



## RECORD OF DECISION

### Westchester County Streams, Byram River Basin, Flood Risk Management Feasibility Study, Fairfield County, Connecticut and Westchester County, New York, Final Integrated Feasibility Report and Environmental Impact Statement Connecticut and New York

The Final Integrated Feasibility Report and Environmental Impact Statement (IFR/EIS) dated 23 March 2020, for the Westchester County Streams, Byram River Basin Flood Risk Management Study addresses Flood Risk Management opportunities and feasibility in the Town of Greenwich, Fairfield County, CT and Port Chester, Westchester County, NY. The final recommendation is contained in the report of the Chief of Engineers, dated 7 May 2020. Based on these reports, the reviews by other Federal, State, and local agencies, Tribes, input of the public, and the review by my staff, I find the plan recommended by the Chief of Engineers to be technically feasible, economically justified, in accordance with environmental statutes, and the public interest.

The Final IFR/EIS, incorporated herein by reference, evaluated various alternatives that would managing flood risk in the study area. The recommended plan is the National Economic Development (NED) Plan and includes:

- Removal of the two U.S. Route 1 bridges spanning the Byram River and construction of new bridges built within the same footprint at a higher elevation and without any piers that enter the floodway in order to reduce restrictions to river flow.

In addition to a “no action” plan, four alternatives were evaluated. The alternatives included Nonstructural Measures, Levees, Floodwalls and Channel Work, and Bridge Removal and Replacements with Nonstructural Treatments as described in Sections 3.5 and 3.6 of the IFR/EIS. The NED Plan was identified as the environmentally preferable alternative.

#### SUMMARY OF POTENTIAL EFFECTS:

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of Recommend Plan

	Significant adverse effect*	Insignificant effects due to mitigation**	Insignificant effects	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant adverse effect*	Insignificant effects due to mitigation**	Insignificant effects	Resource unaffected by action
Historic properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coastal Zone Management	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Essential Fish Habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The recommended plan will result in unavoidable adverse effects to the U.S. Route 1 bridges. These bridges are historic structures built in the 19th and early 20th centuries and have been determined eligible for the National Register as excellent examples in the design of double-arched stone bridges. The plan includes the demolition of these bridges, which constitutes an adverse effect to historic properties. To mitigate for these unavoidable adverse effects, the U.S. Army Corps of Engineers, as described in Section 5.11 of the IFR/EIS, will document the architecture of the bridges via architecture survey and photographs, potentially reuse stone in the construction of the new bridges, design the new bridges to be aesthetically compatible with the adjacent municipalities, and continue coordination and consultation with the New York and Connecticut State Historic Preservation Offices and other consulting parties.

The recommended plan will have temporary adverse effects to the flow of commuter traffic during the construction phase of the project. To mitigate for these unavoidable impacts, the U.S. Army Corps of Engineers, as described in Section 5.20 of the IFR/EIS will maintain traffic by removing/replacing one bridge at a time and reduce the two lane traffic each way to only one lane going each direction. The construction plan is for one bridge to be removed and replaced in each of two successive summertime construction seasons.

All practicable means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the IFR/EIS will be implemented to minimize impacts.

Public review of the draft IFR/EIS was completed on 20 August 2018. All comments submitted during the public comment period were responded to in the Final IFR/EIS. A 30-day waiting period and state and agency review of the Final IFR/EIS was completed on 20 April 2020.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat: Northern long-eared bat. The U.S. Fish and Wildlife Service (FWS) concurred with the Corps' determination on 2 August 2018.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties may be adversely affected by the recommended plan. The Corps, the Connecticut State Historic Preservation Office, and the New York State Historic Preservation Office entered into a Memorandum of Agreement (MOA), dated 15 October 2019. The recommended plan will include the removal of two bridges that are eligible for the National Register of Historic Places. Under the MOA, the bridges will be documented and information relating to their construction and use over time will be developed for the public. In addition, the design of the new bridge will consider the aesthetics of the adjacent communities as well as potentially incorporate architectural material or elements from the current bridges in its design. All terms and conditions resulting from the agreement shall be implemented in order to minimize adverse impacts to historic properties.

Pursuant to the Clean Water Act of 1972, as amended, all discharges of dredged or fill material associated with the recommended plan have been found to be compliant with the section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix A.2 of the IFR/EIS.

A water quality certification pursuant to section 401 of the Clean Water Act will be obtained from the Connecticut Department of Energy and Environmental Protection (CTDEEP) and New York Department of Environmental Conservation (NYSDEC) prior to construction. In letters dated 13 March 2019, and 29 March 2019 the CTDEEP and NYSDEC stated that the recommended plan appears to meet the requirements of the water quality certification, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality.

A determination of consistency with the New York Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 was obtained from the New York State Department of State. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

In addition, a determination of consistency with the Connecticut Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 will be obtained from the CTDEEP prior to construction. In a letter dated 13 March 2019, the CTDEEP stated that the recommended plan appears to be consistent with state Coastal Zone Management plans, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on the review of these evaluations, I find that benefits of the

recommended plan outweigh the costs and any adverse effects. This Record of Decision completes the National Environmental Policy Act process.

29 JAN 21

Date



---

Vance F. Stewart, III  
Senior Official Performing the Duties of the  
Assistant Secretary of the Army (Civil Works)