



U.S. Department  
of Transportation

1200 New Jersey Avenue, SE  
Washington, DC 20590

**Federal Railroad  
Administration**

**December 27, 2021**

Mason Trumble  
Deputy Commissioner  
Bureaus of Outdoor Recreation and Natural Resources  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Attn: Lindsay Suhr, Environmental Analyst 1

RE: Section 4(f) Temporary Occupancy of the Ragged Rock Creek Wildlife  
Management Area  
Request for Concurrence  
Amtrak Connecticut River Bridge Replacement Project  
Old Saybrook & Old Lyme, CT

Dear Mr. Trumble:

The Federal Railroad Administration (FRA) is providing financial assistance to the National Railroad Passenger Corporation (Amtrak) for the Connecticut River Bridge Replacement Project (Project). The existing railroad bridge is located along Amtrak's Northeast Corridor (NEC) at Mile Post 106.89 between Old Saybrook and Old Lyme; the bridge became operational in 1907 and is nearing the end of its useful life. The purpose of the Project is to address the safety and operational concerns posed by the aging bridge, enhance reliability and long-term serviceability of the bridge, and ensure continued passenger and freight rail operations along the NEC as well as navigation along the Connecticut River.

Amtrak proposes to replace the existing bridge with a bascule bridge to be located 52 feet south of the existing structure. The new bridge will consist of a two-track, electrified railroad movable bridge, approach spans, and at-grade approaches that tie into the existing railroad line. Pursuant to the National Environmental Policy Act of 1969 (42 USC § 4321 et seq.) (NEPA), FRA and Amtrak prepared an Environmental Assessment (EA) and Draft Section 4(f) Evaluation in May 2014 for the Project. Based on the EA, the FRA issued a Finding of No Significant Impact (FONSI) in 2017. Since that time, Amtrak has advanced the design of the Project and is also seeking required permits. A project location map is provided in *Enclosure A*.

Under Section 4(f) of the United States Department of Transportation Act of 1966, the Ragged Rock Creek Wildlife Management Area (WMA) in Old Saybrook is considered a

Section 4(f) property as a publicly owned recreation area and wildlife and waterfowl refuge. Section 4(f) requires that studies be done to avoid, minimize, and mitigate impacts to Section 4(f) properties that are proposed to be used for transportation purposes and are receiving funding or other approvals from the US Department of Transportation inclusive of its modal administrations, including FRA. According to public records, the Ragged Rock Creek WMA is composed of multiple parcels of land, is an approximately 204-acre preserve located to the southwest of the Connecticut River Bridge and immediately south of the Amtrak railroad right-of-way (ROW), and is owned and maintained by the Connecticut Department of Energy & Environmental Protection (CT DEEP). These parcels were purchased by CT DEEP and are currently managed for their value as feeding, nesting, and resting habitat for waterfowl, herons, bitterns, shorebirds, and furbearers, and also to provide opportunities for recreational waterfowl hunting. Waterfowl species known to be present in the Ragged Rock Creek WMA include Black Duck, Bufflehead, Mallard, Common Merganser, Blue-winged Teal, and Green-winged Teal. Historic records indicate use by Black Rail, Gadwall, Osprey, and King Rail. The Ragged Rock Creek WMA also supports eight State-listed plants, including globally rare *Bidens eatonii* (Eaton's beggarticks) and the native *Phragmites americanus* (American reed). The entire WMA is classified as Brackish Intertidal Marsh, restricted community type, and Critical Habitat in Connecticut.

The advanced project design is anticipated to result in the temporary use of one small area along the northern edge of the Ragged Rock Creek WMA, adjacent to the Amtrak ROW, for construction vehicle access. The area (see *Enclosures B and C*) is approximately 8,000 square feet in size, which equates to about 0.09 percent of the total acreage of the Ragged Rock Creek WMA. The construction access will be created through usage of temporary mats or temporary work platforms and will not involve any ground disturbance. The entire area is also within intertidal wetlands that will be restored after construction activities have been completed. The limits of disturbance within this area will be demarcated with construction and silt fencing to ensure that construction activities are restricted to the indicated, limited area of temporary occupancy. Additionally, erosion and sediment control measures (see *Enclosure D*) will be utilized to ensure that no further impacts occur during construction. The temporary construction access on this property will not last the entire duration of construction of the new bridge.

Amtrak has been in coordination with the CT DEEP Natural Diversity Database (NDDB) program staff regarding impacts to protected species and habitats within the project area. Recent field surveys confirmed the presence of the State-protected *Lilaeopsis chinensis* (Eastern grasswort) within the boundaries of the area proposed to be temporarily occupied at the Ragged Rock Creek WMA. Additionally, strong field evidence supports the assumption that the marsh habitat is used by mobile rare wildlife species. Because of these species' presence and other impacts within the Ragged Rock Creek WMA, as well as throughout the greater project area, Amtrak has prepared and submitted a listed species impacts minimization and protection plan to the CT DEEP NDDB program staff. The plan includes transplanting the *Lilaeopsis chinensis* (Eastern grasswort), construction timing restrictions from June to July to avoid impacting nesting birds, and other precautions to protect species. Another State-protected plant species that will be impacted by the greater

project area but is located outside of the required temporary occupancy is *Limosella australis* (Atlantic mudwort). Although this plant will not be impacted from the area required for the temporary occupancy, it is proposed to be transplanted to an area within the Ragged Rock Creek WMA. This transplant area is located approximately 640 feet south of the Amtrak right-of-way line and along the shoreline where the plant is more established. The species impacts minimization and protection plan is currently being reviewed by the CT DEEP NDDDB program staff. Upon completion of construction-related activities within the Ragged Rock Creek WMA property, Amtrak will fully restore all temporarily impacted areas. Coordination with CT DEEP, United States Army Corps of Engineers (USACE), and United States Coast Guard (USCG) regarding wetland and watercourse permitting for the entire Project is ongoing and Amtrak will adhere to all required regulations and conditions.

Because of the limited nature of the impacts to the Ragged Rock Creek WMA, FRA does not believe the Project will constitute a use of the Section 4(f) property, as defined by the Section 4(f) implementing regulations. The temporary occupancy proposed will not constitute a use of the publicly owned recreation area and wildlife and waterfowl refuge known as the Ragged Rock Creek WMA under Section 4(f) per 23 CFR Part 774.13 (d) because:

- The duration of the occupancy will be temporary and there will be no change in the ownership of the land.
- The scope of the work requiring the occupancy is minor and the magnitude of the changes to the Section 4(f) property [Ragged Rock Creek WMA] is minimal.
- There will be no permanent adverse physical impacts to the protected resource, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.
- The land being used will be fully restored and returned to a condition which is at least as good as that which existed prior to the project.

Documented agreement of the official(s) with jurisdiction (OWJ) over the resource must be obtained for a temporary occupancy to not constitute a Section 4(f) use of a publicly owned recreation area and wildlife and waterfowl refuge. The CT DEEP Deputy Commissioner is the OWJ for the Section 4(f)-protected Ragged Rock Creek WMA. Therefore, FRA requests your written concurrence with FRA's Section 4(f) *temporary occupancy exception* finding.

Please respond within 30 days of receipt of this letter. If have any questions or concerns or require additional information about the Project, please contact Mary Catherine Murray, FRA Environmental Protection Specialist, at 202-306-4903 or [mary.murray@dot.gov](mailto:mary.murray@dot.gov).

FRA and Amtrak look forward to your review and coordination for this important rail transportation project.

Sincerely,



Laura A. Shick  
Supervisory Environmental Protection Specialist  
Office of Railroad Policy and Development

Enc:

- A. Project Location Map
  - B. Temporary Occupancy Plan
  - C. Temporary Occupancy Map
  - D. Erosion and Sediment Control Plan
- cc. Michael Ciappi, Amtrak Lead NEPA Specialist (2955 Market Street, Mailbox 13, Philadelphia, PA 19104; [Michael.ciappi@amtrak.com](mailto:Michael.ciappi@amtrak.com))
- Clarissa Fuller, Project Manager, Amtrak

**SENT VIA EMAIL**

**Date:** January 10, 2023

Laura A. Shick  
Supervisory Environmental Protection Specialist  
Office of Railroad Policy and Development  
U.S. Department of Transportation  
Federal Railroad Administration  
[laura.shick@dot.gov](mailto:laura.shick@dot.gov)

**Re: Section 4(f) Concurrence  
Temporary Occupancy of State of Connecticut's Ragged Rock Creek Wildlife  
Management Area  
DEEP File #A-22-031  
Amtrak Connecticut River Bridge Replacement Project  
Old Saybrook & Old Lyme, Connecticut**

Dear Ms. Shick,

Thank you for your letter and supporting information, dated December 27, 2021, sent to the Department of Energy and Environmental Protection (DEEP) explaining the Federal Railroad Administration's (FRA) providing financial assistance to the National Railroad Passenger Corporation (Amtrak) for the proposed Connecticut River Bridge Replacement Project (Project) to be performed by Amtrak, that the Project previously underwent a previous Section 4(f) evaluation which resulted in the FRA issuing a Finding of No Significant Impact in year 2017, and that now advanced Project designs anticipate new temporary use of a small portion of land owned by DEEP, known as part of Ragged Rock Creek Wildlife Management Area (WMA).

According to your letter, new anticipated temporary use at the WMA covers approximately 8,000 s.f. (0.18 ac), or 0.09 percent of the total area of the WMA. The temporary use area is proposed along the Amtrak right-of-way for the purpose of construction access within tidal wetlands, including use of temporary work mats, implementation of erosion and sediment control measures, and placement of construction fencing to delineate and limit the area of impacts. Your letter explains that Amtrak has been in coordination with staff at DEEP's Natural Diversity Data Base Program regarding minimizing Project impacts to State-listed rare, threatened, and endangered plant and wildlife species documented within the proposed new temporary use area.

As you know, since receiving your letter, Amtrak and its contractors have met regularly with staff from multiple State and Federal agencies and Divisions at DEEP to discuss Project needs, permits, and approvals necessary in advance of commencing any work activities at the WMA property, including final NDDDB determinations.

As of the date of this correspondence, we are with the understanding that Amtrak has submitted required site mitigation reports and supporting documentation to NDDDB, including plans for protecting species from impacts, effectively transplanting and monitoring for survival certain plant species from the proposed new temporary use area to another area which is deemed appropriate by NDDDB, and fully restoring the temporary use area to DEEP's satisfaction.

Based on our office's review of the information supplied by you, and provided that Amtrak receives its final NDDDB determination requirements and recommendations for minimizing and avoiding impacts to State-listed species, and Amtrak adhering and abiding by any and all said NDDDB determination requirements and recommendations, our office concurs that the Project is a temporary occupancy of the WMA.

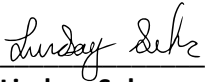
This concurrence is based on our understanding of the proposal provided by FRA. If the plan undergoes significant alteration, this office reserves the right to withdraw its concurrence.

This letter does not convey any land use rights to Amtrak or its contractors.

Thank you for contacting DEEP on Amtrak's rail transportation Project proposal and seeking concurrence towards protecting statewide public recreational and wildlife refuge resources. If you have any questions regarding this letter, please contact Jamie Sydoriak of my staff at [Jamie.Sydoriak@ct.gov](mailto:Jamie.Sydoriak@ct.gov).

Sincerely,

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**Lindsay Suhr**  
Office Director  
Land Acquisition & Management Unit

**CC (via email):** Jamie Sydoriak, DEEP LAM, [Jamie.Sydoriak@ct.gov](mailto:Jamie.Sydoriak@ct.gov)  
Dawn McKay, DEEP Wildlife Division, [Dawn.McKay@ct.gov](mailto:Dawn.McKay@ct.gov)  
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