



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 31, 2020

Ken Sprankle
Project Leader
Connecticut River Fish and Wildlife Conservation Office
103 East Plumtree Road
Sunderland, MA 01375
Via email: ken_sprankle@fws.gov

**Re: Amtrak Connecticut River Bridge
Old Saybrook & Old Lyme, CT
Request for Re-initiation of Informal Consultation under Section 7 of the Endangered
Species Act**

Dear Mr. Sprankle:

The National Railroad Passenger Corporation (Amtrak) is proposing the replacement of the Connecticut River Bridge, which became operational in 1907 and is nearing the end of its useful life. The existing bridge is located along Amtrak's Northeast Corridor (Milepost 106.89) between Old Saybrook and Old Lyme. The U.S. Department of Transportation's Federal Railroad Administration (FRA) has provided funding to Amtrak for project planning and design, and may provide funding for construction of the project. Pursuant to the National Environmental Policy Act of 1969 (42 USC &4321 et seq.) (NEPA) and FRA's NEPA procedures, the FRA and Amtrak prepared an Environmental Assessment (EA) in May 2014 for the Connecticut River Bridge Replacement Project (Project). FRA issued a Finding of No Significant Impact (FONSI) in 2017.

As part of the NEPA process, the Project team sent a letter requesting information on threatened and endangered species to the USFWS Connecticut River Coordinator on June 16, 2008, initiating informal consultation under Section 7(a)(2) of the Endangered Species Act (ESA) (see *Enclosure A*). In a response dated July 16, 2008, USFWS confirmed that no federally-listed or proposed threatened or endangered species, or critical habitat were known to occur in the project area and that no further consultation with the USFWS under Section 7 of the ESA was required (see *Enclosure B*).

Amtrak is advancing the design and permitting for the Project. This includes preparation of a United States Coast Guard (USCG) Bridge Permit Application. USCG recently requested documentation to confirm the validity of the USFWS informal consultation, as it is twelve years old. Using the USFWS database, Information for Planning & Consultation (IPaC), accessed on June 2, 2020, the Project team received an updated Official Species List for the project area pursuant to Section 7 of the ESA (see *Enclosure C*). There is a total of 3 (three) species (1 mammal, 2 birds) on this list:

- Northern Long-eared Bat (*Myotis septentrionalis*): Threatened
- Red Knot (*Calidris canutus rufa*): Threatened
- Roseate Tern (*Sterna dougallii dougallii*): Endangered

Online research was performed by Amtrak's environmental consultant to determine the presence of these

species in the Project area. According to a map published on March 6, 2019 by the Connecticut Department for Energy & Environmental Protection (CTDEEP), the Project area is not an area of concern for the Northern long-eared bat (see *Enclosure D*). Both Red Knot and Roseate Tern have not been identified to occur in the project boundary in any field surveys to date or on the CTDEEP Natural Diversity Data Base (NDDB) List as of December 31, 2019 (see *Enclosure E*). Based on this information, FRA has determined that the Project is not likely have adverse impacts on any threatened or endangered species under USFWS jurisdiction. This letter is being submitted to continue the informal consultation process under Section 7 of the ESA and request concurrence from USFWS.

If you have any questions regarding the Project or this consultation request, please contact me at laura.shick@dot.gov or (202)366-0340. FRA looks forward to continuing consultation with your office to advance this important railroad project.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style with a horizontal line at the end.

Laura A. Shick
Supervisory Environmental Protection Specialist
Environment & Project Engineering Division
Office of Railroad Policy & Development

Enclosures

Cc: John Brun, Technical Project Manager, Amtrak
Craig Caldwell, Director of Environmental Projects, Amtrak
Craig Rolwood, Project Manager, Hardesty & Hanover
Leslie Mesnick, Environmental Task Coordinator, Calladium Group



440 Park Avenue South
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

June 16, 2008

Janice N. Rowan, Connecticut River Coordinator
U.S. Fish and Wildlife Service
Connecticut River Coordinator's Office
103 East Plumtree Road
Sunderland, MA 01375

**Re: Threatened or Endangered Species Information Request
Connecticut River Bridge Replacement Project
Old Saybrook/Old Lyme, Connecticut**

Dear Ms. Rowan:

The National Railroad Passenger Corporation (Amtrak) is proposing improvements to the Connecticut River Bridge (also known as "CONN" or the "Old Saybrook-Old Lyme Bridge"). The bridge is located between the Town of Old Saybrook in Middlesex County and the Town of Old Lyme in New London County. The Connecticut River Bridge is located along Amtrak's Northeast Corridor (MP 106.89) and spans the Connecticut River, 3.4 miles from its mouth at the Long Island Sound (see enclosed USGS map).

The existing bridge is a two-track steel rail bridge, 1,570 feet in length. The bridge includes a moveable span which opens to allow marine traffic. A 150-foot navigation channel is located off-center in the river, closer to the eastern bank. A total of six off-line bridge replacement alternatives are being evaluated. Four alternatives propose constructing a replacement to the north of the existing bridge; two alternatives involve constructing a replacement bridge to the south. All replacement alternatives will require the construction of new bridge approaches, and a new bridge substructure and spans, including the moveable span. Four of the six alternatives propose moving the existing navigation channel to the center of the river or widening the channel in place to 200 feet. All alternatives will involve the demolition of the existing Connecticut River Bridge.

An Environmental Assessment (EA) is being prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, with Federal Railroad Administration (FRA) as lead federal agency to assess the environmental impacts of the proposed Connecticut River Bridge Replacement Project. In support of that effort, and on behalf of Amtrak, we are requesting available information on federal and state listed threatened or endangered species, species of special concern, and marine mammals under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) within the vicinity of the study area for the proposed project. The information provided by USFWS will be used for the environmental evaluations in the EA.

However, maps showing specific locations of sensitive species or habitats developed from lists provided by USFWS will not be published in any document.

Please send the requested information to me at the address indicated above. Please feel free to contact me at (646) 388-9626 if you should have any questions regarding this information request. Thank you for your time in providing us with this information.

Sincerely,



Shawn Shotzberger
Senior Environmental Scientist
AKRF

enclosures: USGS Map of project area

cc: Leslie Mesnick, AKRF
Kenneth Kulick, Amtrak



United States Department of the Interior

REC'D JUL 28 2008



FISH AND WILDLIFE SERVICE
New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087
<http://www.fws.gov/northeast/newenglandfieldoffice>

July 16, 2008

Reference: Project Location
Bridge improvements Old Saybrook, Old Lyme, CT

Shawn Shotzberger
AKRF
440 Park Avenue South
New York, NY 10016

Dear Mr. Shotzberger:

This responds to your recent correspondence requesting information on the presence of federally-listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required.

This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

In order to curtail the need to contact this office in the future for updated lists of federally-listed or proposed threatened or endangered species and critical habitats, please visit the Endangered Species Consultation page on the New England Field Office's website:

www.fws.gov/northeast/newenglandfieldoffice/EndangeredSpec-Consultation.htm

In addition, there is a link to procedures that may allow you to conclude if habitat for a listed species is present in the project area. If no habitat exists, then no federally-listed species are present in the project area and there is no need to contact us for further consultation. If the above conclusion cannot be reached, further consultation with this office is advised. Information describing the nature and location of the proposed activity that should be provided to us for further informal consultation can be found at the above-referenced site.

Thank you for your coordination. Please contact us at 603-223-2541 if we can be of further assistance. **In the future, in order to expedite your reply, please direct any inquiries of this nature to this office at the above address.**

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Anthony P. Tur".

Anthony P. Tur
Endangered Species Specialist
New England Field Office



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>

In Reply Refer To:

June 02, 2020

Consultation Code: 05E1NE00-2020-SLI-2785

Event Code: 05E1NE00-2020-E-08415

Project Name: Connecticut River Bridge Replacement Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2020-SLI-2785

Event Code: 05E1NE00-2020-E-08415

Project Name: Connecticut River Bridge Replacement Project

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: Replacement of existing Amtrak rail bridge. Town of Old Saybrook and Town of Old Lyme, CT.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.310688005912915N72.34695360903712W>



Counties: Middlesex, CT | New London, CT

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

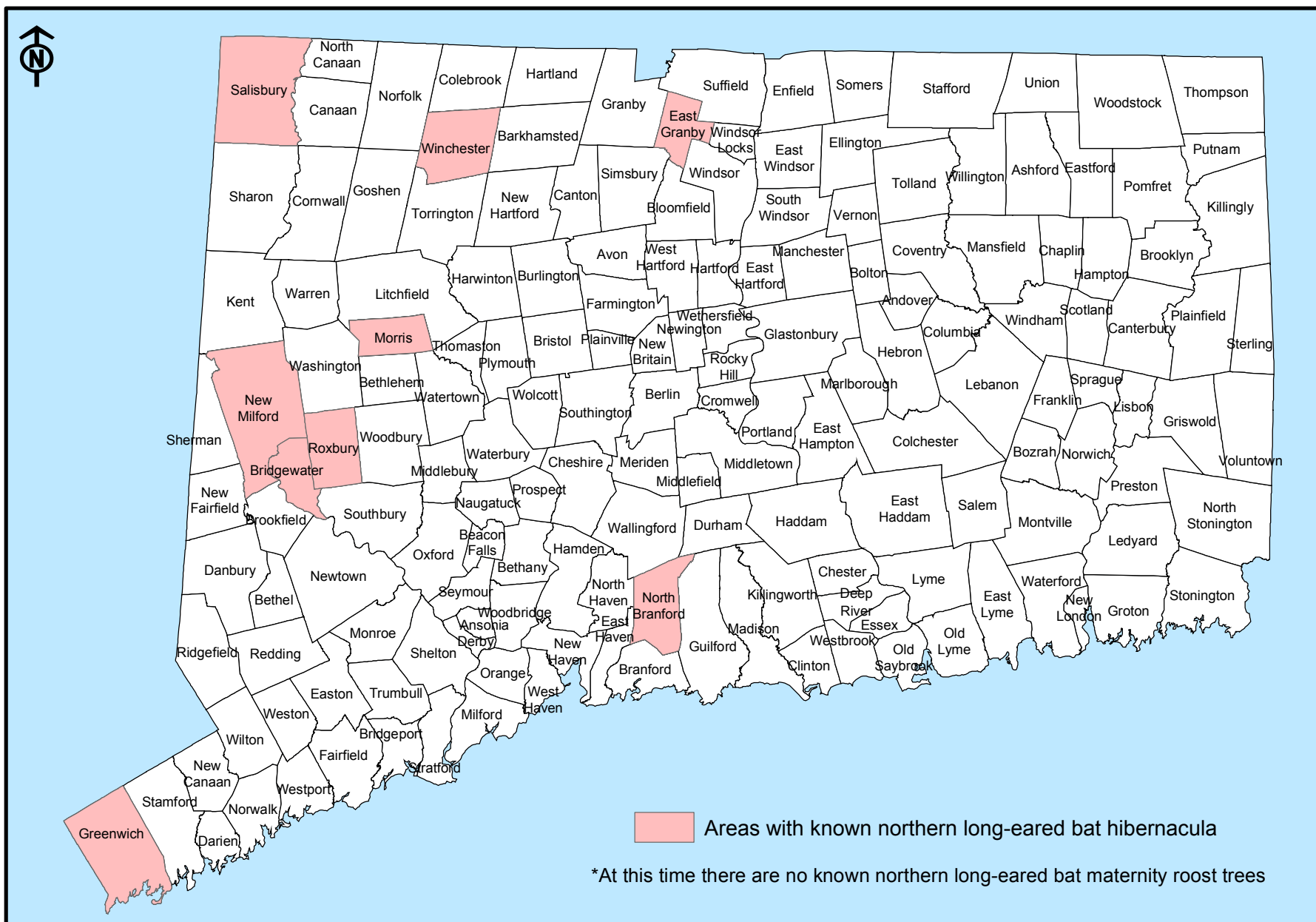
Birds

NAME	STATUS
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance



March 6, 2019

For information on federal requirements visit <http://www.fws.gov/midwest/endangered/mammals/nleib/>



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

December 31, 2019

Ms. Kati Mercier
Martinez Couch & Associates, LLC
1084 Cromwell Avenue
Rocky Hill, CT 06067
kmercier@martinezcouch.com

Project: Preliminary Assessment for Replacement of Amtrak Connecticut River Bridge along Northeast Corridor (MP106.89) at Old Saybrook and Old Lyme, Connecticut
NDDDB Preliminary Assessment No.: 201914264

Dear Kati Mercier,

I have reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map provided for the replacement of Amtrak Connecticut River Bridge along Northeast Corridor (MP106.89) at Old Saybrook and Old Lyme, Connecticut.

According to our records there are known extant populations of State Listed Species known that occur within or close to the boundaries of this property. I have attached a list of these species to this letter. Please be advised that this is a preliminary review and not a final determination. A more detailed review will be necessary to move forward with any subsequent environmental permit applications submitted to DEEP for the proposed project. **This preliminary assessment letter cannot be used or submitted with your permit applications at DEEP.** This letter is valid for one year.

To prevent impacts to State-listed species, field surveys of the site should be performed by a qualified biologist when these target species are identifiable. A report summarizing the results of such surveys should include:

1. Survey date(s) and duration
2. Site descriptions and photographs
3. List of component vascular plant and animal species within the survey area (including scientific binomials). A complete ecological description of the habitats on site.
4. Data regarding population numbers and/or area occupied by State-listed species
5. Detailed maps of the area surveyed including the survey route and locations of State-listed species present on the site.
6. Statement/résumé indicating the biologist's qualifications. Please be sure when you hire a consulting qualified biologist to help conduct this site survey that they have the proper experience with target taxon and have a CT scientific collectors permit to work with state listed species for this specific project.
7. Protection and/or mitigation plans for all state listed species identified in this letter.

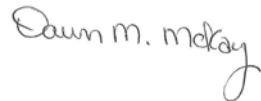
The site surveys report should be sent to our CT DEEP-NDDDB Program (deep.nddbrequest@ct.gov) for further review by our program biologists along with an updated request for another NDDDB review. Incomplete reports may not be accepted.

If you do not intend to do site surveys to determine the presence or absence of state-listed species, assume they are present and please provide a protection plan to let us how you will protect the state-listed species from being impacted by this project. You may submit these protection plans with your new request for an NDDDB review.

Natural Diversity Data Base information includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substitutes for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the Data Base as it becomes available. The result of this review does not preclude the possibility that listed species may be encountered on site and that additional action may be necessary to remain in compliance with certain state permits.

Please contact me if you have further questions at (860) 424-3592, or dawn.mckay@ct.gov . Thank you for consulting the Natural Diversity Data Base.

Sincerely,

A handwritten signature in cursive script that reads "Dawn M. McKay".

Dawn M. McKay
Environmental Analyst 3

Species List for NDDB Request

Scientific Name	Common Name	State Status
Coastal/Marine Community - Other Classification		
Brackish intertidal marsh		
Salt marsh		
Vascular Plant		
<i>Bidens eatonii</i>	Eaton's beggarticks	E
<i>Bolboschoenus maritimus</i> ssp. <i>paludosus</i>	Bayonet grass	SC
<i>Bolboschoenus novae-angliae</i>	Salt marsh bulrush	SC
<i>Crassula aquatica</i>	Pygmyweed	E
<i>Lilaeopsis chinensis</i>	Lilaeopsis	SC
<i>Limosella australis</i>	Mudwort	SC
<i>Opuntia humifusa</i>	Eastern prickly pear	SC
<i>Phragmites americanus</i>	American reed	SC
<i>Spergularia canadensis</i>	Canada sand-spurry	T
Vertebrate Animal		
<i>Acipenser brevirostrum</i>	Shortnose sturgeon	E
<i>Acipenser oxyrinchus oxyrinchus</i>	Atlantic sturgeon	E
<i>Ammodramus caudacutus</i>	Saltmarsh sharp-tailed sparrow	SC
<i>Clemmys guttata</i>	Spotted turtle	SC
<i>Ixobrychus exilis</i>	Least bittern	T
<i>Malaclemys terrapin terrapin</i>	Northern diamondback terrapin	SC

E = Endangered, T = Threatened, SC = Special Concern, * Extirpated