



Ox Brook Flood Control Master Plan EIE Responses to Comments

SUMMARY

In all, five (5) individuals and organizations provided comments to the Connecticut Department of Energy and Environmental Protection (DEEP) during the public comment period on the Ox Brook Flood Control Master Plan EIE. Two individuals provided oral comments during the public hearing on the EIE and two organizations and one individual provided written comments on the EIE. This Response to Comments has been prepared to provide responses to substantive comments provided during the public comment period on the EIE.

Responses were ordered as follows:

- State agency comments;
- State representative comments; and
- Other agency, organization, or local representatives comments.

All written comments, as well as a transcript of the public hearing and oral comments are included in **Attachment E**.

WRITTEN COMMENTS

Connecticut State Historic Preservation Office (SHPO) (April 4, 2022)

SHPO-1 Comment: *“As noted in the report prepared by AHS [Archaeological and Historical Services, Inc], there are no previously reported archaeological sites or properties listed in the State or National Registers of Historic Places recorded within the Area of Potential Effect (APE) for this project. SHPO understands that additional assessments may be required as the preferred project alternatives are selected and proposed work areas required for storage, staging, and access are selected. Background research, visual reconnaissance, and limited coring of the APE revealed substantial prior disturbances. As a result, SHPO concurs with AHS that activities associated with the Ox Brook Flood Control Master Plan or its alternatives are not likely to impact significant archaeological deposits. SHPO also agrees that most of the above-ground historic resources identified by AHS are common styles that lack sufficient integrity and association to be listed on the National Register of Historic Places.”*

SHPO-1 Response: DEEP concurs that as design work progresses for Phases 2-6 of the project additional cultural resources review may be needed once impacts for those phases are better defined. As each phase proceeds through design and permitting, consultation with the SHPO will be pursued.

SHPO-2 Comment: *“A single resource was identified as potentially eligible for listing on the State Register of Historic Places: the dam at Elton Rogers Park. This dam, constructed in 1872 by the Bridgeport Hydraulic Company, is an important component of an engineered historic water system. The dam is comprised of an earthen and masonry structure that is no longer functional and has areas of collapse. SHPO does not object to the project alternatives, but encourages the preservation of as much of the remaining historic dam and its related elements to the greatest extent possible.”*

SHPO requests that the dam is documented to meet state-level documentation standards which consist of narrative text, photographs, and photographic site plan. If possible, photographs of the dam during its dismantling should be included as



part of the documentation. The submitted documentation should be both archivally stable and user-friendly. It is SHPO's opinion that the proposed undertaking will constitute no adverse effect conditional upon the proposed work being able to accommodate this documentation request to minimize the historic loss."

SHPO-2 Response: Due to its poor condition and current lack of functionality, the dam requires a large-scale rehabilitation (rather than dismantling) project which will unavoidably alter the structural components and appearance of the dam in order to meet modern dam safety standards and provide the necessary flood storage requirements. The intent of the dam improvements is to increase the water storage capacity behind the dam to store and then release flood flows to mitigate downstream flooding along Ox Brook.

As requested by the SHPO, state-level documentation standards will be met, including photo documentation prior to and during dam reconstruction, narrative text, and a photographic site plan to ensure that long-term documentation of existing conditions at the dam will be available in the future. Assembled information will be archivally stable and user-friendly, developed and compiled into a report by a cultural resources firm. Educational signage will be considered once work is complete to educate the public on the history of the site. The City is committed to adhering to all SHPO requirements prior to and during construction.

Connecticut Council on Environmental Quality (CEQ) (March 23, 2022)

CEQ-1 Comment: *"The EIE states that "there are no identified NDDB areas within the Project Area or immediate vicinity" and that "the Project is not expected to impact listed Connecticut species or their habitats". The Council [CEQ] notes that the Natural Diversity Database (NDDB) mapping is a pre-screening tool... A survey of the areas potentially impacted by Phase 1 of the proposed project is recommended, prior to construction, to assess the presence of wildlife and endangered, threatened and special concern species or suitable habitat that might be present. If found, the Council recommends consultation with the NDDB to develop and implement plans to eliminate or mitigate any potential adverse impacts."*

CEQ-1 Response: As part of the CEPA process, current NDDB mapping was reviewed to determine if identified species or habitats were present in or adjacent to the Project Area. No listed species were identified as occurring or potentially occurring within the Project Area. Without specific requirements or guidance regarding a specific species and because the Project Area does not fall within a NDDB polygon and no species of concern has been identified, further field review for species or habitats is not warranted at this time. The project permitting process will include federal, state, and local review which will include agency review and requirements relative to the potential for listed species or habitats. In addition, for each subsequent project phase, NDDB mapping will be reviewed at the time of design and in conjunction with agency permits for that phase to determine if listed species or habitats have been identified in specific project areas.

CEQ-2 Comment: *"The EIE sheet C1.00 identifies a vernal pool immediately north of the existing dam within Elton Rodgers Park. The EIE does not indicate if potential negative impacts on the vernal pool envelope (VPE) and the critical terrestrial habitat (CTH) were examined. The Council recommends an assessment to determine the potential impact the proposed action would have on the VPE and CTH and/or if one or more vernal pools would be created by the proposed project."*

CEQ-2 Response: A vernal pool is present within the wetland located behind the dam (identified as Wetland 1 on sheet C1.00 of the Tighe and Bond plans included in Appendix A of the EIE). According to the Section 404 Individual Permit



Application prepared by Tighe and Bond in 2018 for Phase 1 of the Project, the vernal pool within Wetland 1 was assessed in 2015 and 2017 using the qualitative assessment methodology identified in Calhoun and Klemens 2002 *Best Development Practices: Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States* (BDP Manual) and was identified as low-quality Tier 3 habitat due to low species diversity and abundance. The pool was identified as manmade associated with the dam and as seasonally and semi-permanently flooded due to the dam. The only vernal pool indicator species was spotted salamander, with one egg mass noted in 2015 and three egg masses in 2017.

Unfortunately, due to the presence of the existing dam in this location, there are no alternative locations for this portion of the Project, and the reconstruction of the dam will result in footprint changes with unavoidable impacts to one low quality vernal pool as shown on the drawings. Impacts to other higher quality vernal pools in the vicinity have been avoided during the design process. During the Dam Safety and Section 404 permitting processes for Phase 1, coordination will occur with DEEP and the U.S. Army Corps of Engineers (USACE) concerning impacts to the vernal pool and its envelope (VPE) and possible critical terrestrial habitat (CTH) and mitigation for this unavoidable loss will be determined as part of those permitting processes.

CEQ-3 Comment: *“The Council notes that the proposed work associated with Phase 1 of the proposed project has the potential to introduce or expand the habitat for invasive species. The EIE does not indicate that action to eradicate invasive species is included in the plan. The Council recommends the inclusion of an invasive species control/eradication component for the construction with a follow-up during the following year.”*

CEQ-3 Response: During construction of Phase I within Elton Rogers Park, there is the potential to introduce invasive species during active construction. Invasive species control plans are incorporated into several permitting requirements, such as through the USACE and DEEP. Due to the presence of invasives within the property, a plan has been proposed as part of the Section 404 permitting for the Project including stockpiling and reusing local soils, but segregating soils that have invasives and removing them from the site, as well as seeding and restoration plantings to establish native cover. Other standard methods will also be used to avoid introducing invasives, such as cleaning of construction matting and equipment tires before entering the site.

CEQ-4 Comment: *“The United Illuminating Company has received Connecticut Siting Council approval (Docket 490 – January 2021) to construct a 115/13.8- kilovolt (kV) air-insulated replacement substation facility located on the existing Old Town Substation parcel at 282 Kaechele Place and two parcels immediately north...at 312 and 330 Kaechele Place in Bridgeport. The Council notes that coordination of the two construction projects might avoid unanticipated issues and benefit both projects.”*

CEQ-4 Response: It is recognized that the United Illuminating Company (UIC) owns properties north of Elton Rogers Park and the City will coordinate with UIC prior to and during the Phase 1 construction period to ensure that both projects can be completed with minimal impacts to each other.



Rosalina Roman-Christy, City of Bridgeport Councilwoman, 135th District (RRC) (March 22, 2022)

RRC-1 Comment: *“Dear Mr. Riese [DEEP]: My name is Rosalina Roman-Christy. I am the councilwoman for the 135th district, which has been immensely impacted by severe flooding. The flooding problem has been going on for over 40 years. On behalf of my constituents, I want to know how your study is going to ease the flooding coming from the Oxbrook [sic] area as well the Island Brook Pond, and how long is it going to take before funding is granted to mitigate this problem.”*

RRC-1 Response: It is the intent of the Project to implement each phase of the Master Plan as soon as possible, yet funding limitations are substantial. At this time, only Phase 1, the rehabilitation of the dam and detention area construction at Elton Rogers Park, has been funded. Once the CEPA process has concluded and project permits have been issued for Phase 1, the work will be publicly bid, and construction will commence. It is unknown at this time when funding for the subsequent phases will be secured. We note that the Environmental Impact Evaluation and CEPA process is an initial but significant step which will start the implementation process of the overall Master Plan.

ORAL COMMENTS

All oral comments were received at the Public Hearing on the EIE on March 29, 2022.

Jack Hennessy, Connecticut State Representative, 127th District (JH)

JH-1 Comment: *“I echo Fred's [Frederick Riese, CT DEEP] desire to see this project move forward. I was first elected in 2004, and my primary promise to my constituents in the North End was to address the flooding of the Ox Brook; and that was 18 years ago. We got the funding around 2015, and I was told that it would take a couple years for the whole thing to go through its process. It's 2022 now. Took a little longer than I expected. My constituents have complained that the State, the City has not done the due diligence to mitigate flooding, and I had stood by my promise to try and move this project forward. I would really like to thank the city engineer, [Jon] Urquidi, for his steadfast work and quality work, and the previous engineering firm that did the work. It was all professionally done, and I'm really happy that this meeting is taking place.”*

JH-1 Response: DEEP concurs that it has been a long process to get to the point where the project stands today, but the completion of the CEPA process will be a key step to facilitate the flood control master plan program and in particular, construction of the first phase of the Project, Phase 1 dam reconstruction and storage creation at Elton Rogers Park.

JH-2 Comment: *“Jen [Jennifer Burke, GZA GeoEnvironmental Inc.], you had mentioned that if we did nothing regular maintenance would continue, and I'm just interested to know what kind of regular maintenance that would be because it just seemed that, you know, the flooding between the WPCA and the State and the City -- everybody's pointing fingers at each other saying, well, it's their department, it's their department; and, you know, the refuse that winds up building in the stream -- quite often it's at the homeowner's risk of life and limb to open the channels up after a storm. So I don't really know what this regular maintenance that would continue because it doesn't seem like there is much.”*

JH-2 Response: This comment was made in response to the No Action Alternative, under which the Proposed Action would not occur and no other alternatives addressing the chronic flooding problems along Ox Brook would occur. The maintenance that was mentioned in the hearing referred to any activities which currently occur along the brook as



part of City maintenance of drainage features or emergency measures in response to flood events (clearing culverts or streets). Any such activities occurring now would continue.

JH-3 **Comment:** *"I'm very happy to hear about the vegetation screening to mitigate the development in Elton Rogers Park. It's rather bucolic. There's deer. There is wildlife there, and I really think it's a shame to have to disturb that; but I'm happy that the State along with, you know, Corp of Army Engineer take all these things into consideration and are doing what we need to do in order to mitigate disturbance.*

You know, the reason why we're here in this place, it's due to over development of filling in the wetlands in the entire area where there's no absorption of rainfall events; so, you know, that's been done, and we can't undo it. You know, possibly there may be here and there acquisitions of property to create open space and to have some water retention down the road; and I'm very happy to hear that the City is moving forward with Svihra Park and that the landowner is willing to sell it, so that's excellent. That's a major part of the project that needs to be done and -- so I just want to thank you for this wonderful meeting today, and I hope that we can move forward and hope we can break ground this year."

JH-3 **Response:** The Plan recognizes the beauty of Elton Rogers Park and its value to the residents of Bridgeport and Connecticut alike. Restoration plans will be developed within the permit applications for Phase 1 to reestablish valuable vegetation in disturbed areas to restore and enhance existing conditions. The preservation of Elton Rogers Park and the creation of flood storage at both Elton Rogers and Svihra Parks including the acquisition of the private property by the City adjacent to Svihra Park are critical steps in the process.

JH-4 **Comment:** *"I just had one other question and that about the historic aspects of the dam. It really is an interesting construction. I'm glad that it's not on the National Registry, but you had mentioned that there was a State historic -- excuse me -- that has to get involved. Could you explain a little bit about that?"*

JH-4 **Response:** The State Historic Preservation Office (SHPO) is the state agency which reviews projects for potential impacts to cultural resources. The State Register of Historic Places is Connecticut's listing of structures and sites that may represent the history of the state. This listing is larger and more inclusive than the National Register of Historic Places, designating more local and statewide places and structures, whereas the National Park Service and the National Register of Historic Place focus more on places of regional or national historic significance.

Coordination with the SHPO will occur during the permitting process under state regulation and under Section 106 of the National Historic Preservation Act of 1966, and the Phase 1A Archaeological Assessment Survey/Historic Resources Survey (see Appendix D of the EIE), will be fundamental to the planning and permitting process moving forward. See the response to comment ID SHPO-2 for the commitment being made relative to documentation of the structure prior to construction.

JH-5 **Comment:** *"I believe that they did core samplings to test for bad material and that it -- it's just regular nonhazardous material and that -- and that removing the earthen structure will not be a problem [comment refers to the dam at Elton Rogers Park]."*

JH-5 **Response:** No information has been provided to date to suggest the presence of any hazardous materials at the dam site.



Rosalina Roman-Christy, City of Bridgeport Councilwoman, 135th District (RRC-O-1)

RRC-O-1 **Comment:** *“I’m Councilwoman Rosalina Roman-Christy, and I represent the 135th District which entails the Ox Brook area such as -- my main concern is the Island Brook flow that’s coming from the Ox Brook. So many of my constituents have gotten flooded so badly that water has risen into their living room area, and it also comes down into the Woodrow Bridge area which is constantly flooded. I’d like to see that area, if possible, being taken care of as soon as possible. I mean, these are tax paying individuals. It’s all residential, mostly all single-family homes in this area; so I would sincerely appreciate if attention was given to this area probably in 2023 hopefully according to [Jon] Urquidi. He’s really good about all this stuff, and he’s very knowledgeable; so that’s my comment right now.”*

RRC-O-1 **Response:** The regional approach of this Master Plan includes diversion of flows from Island Brook to the Rogers Park storage area and subsequent diversion back to Island Brook downstream through the Svihra Park detention area. As proposed by Kasper, the complete six-phase plan is intended to address flooding along Ox Brook, but also to address some issues along Island Brook as well to provide a more regional optimized solution. Please also see earlier response to similar comment **RRC-1**.