

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project: Captree Substation to Ocean Parkway 23kV Transmission Cable Replacement

Date: March 3, 2021

This notice is issued in accordance with Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 and 21 NYCRR LXXXI 10052.

The Long Island Power Authority (“Authority”) has determined, based on information provided by PSEG Long Island and GEI Consultants, Inc. and the Environmental Assessment Form Parts 1, 2 & 3 prepared by PSEG Long Island that the Proposed Action described below will not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Captree Substation to Ocean Parkway 23kV Transmission Cable Replacement

Location: East side of Robert Moses Causeway, southern portion of Captree Island & north of Ocean Pkwy, Captree State Park, Town of Islip, Suffolk County, New York

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Proposed Action Description:

The Proposed Action involves the replacement of a portion of an existing 23kV electrical underground (UG) cable circuit connecting the Captree Substation located on Captree Island to the Robert Moses Substation located on Fire Island. The portion of this cable to be replaced is between Captree Substation and Ocean Parkway on northeastern part of Jones Beach Island (see Figure 1). This portion of the circuit has experienced multiple faults since 1994, which has resulted in power outages. Power outages related to cable failures are anticipated to continue unless the Proposed Action is undertaken. Thus, the Proposed Action is required to ensure the reliability of electrical power supply to the Captree Island, Captree State Park, Oak Beach, Cedar Beach and Gilgo Beach communities and to the Robert Moses communities to the south. The replacement cable will be located east of the Robert Moses Causeway and the Fire Island Inlet Bridge.

The Proposed Action includes the proposed acquisition of three 30’ wide utility easements. The proposed cable will be installed within Easement A, Easement B and a portion of Easement C.

Refer to “30’ Wide Electric Easement” (PSEG Long Island, 2019) – Appendix D. PSEG Long Island Real Estate will file with the New York State Office of Parks, Recreation and Historic Preservation (NYOPRHP), to grant issuance of Easements A and C, and with the Town of Islip to grant issuance of Easement B. The portion of the Proposed Action located within Easement C spans from a location proximate to the shoreline of Captree Island and terminates near the northern edge of Ocean Parkway in Captree State Park. The remaining portion of Easement C will be acquired for potential future cable replacement along the same circuit. Such additional potential work is not anticipated to occur in the near future.

The Proposed Action layout is illustrated on the Site Plan (see Appendix A). The Proposed Action scope includes:

- Installation of a new 23 kV UG cable in three (3) 6-inch conduits and one (1) 4-inch conduit. The cable and conduit will be installed via a combination of open trench and horizontal directional drilling (HDD). The proposed cable is approximately 2,390 feet (0.45 miles) in length. The cable will be installed via open trench from Captree Substation along the Substation access road and then south to a location approximately 230 feet from the roadway. HDD will be underneath the channel bottom of the Great South Bay.
- Clearing of 1.09± acres for staging of HDD equipment, the HDD drill exit pit (“exit pit”) and a pipe pullback area on Captree Island. On the south side of the proposed cable installation, a 1.15± acre HDD work area in the northeast corner of the Boat Basin paved parking lot will be used for HDD equipment, staging and the HDD drill entry pit (“entry pit”).
- First, the cable and conduit pathway will be drilled south to north to the exit pit on Captree Island. Then the conduit will be pulled through the drilled pathway north to south from the exit pit to the entry pit. The cable will be then pulled through the conduit. The remaining length of cable will be installed via a 6-foot wide open trench within the parking lot and the grass median located in Captree State Park. The newly installed cable will then be spliced to the existing cable at a location near the north edge of Ocean Parkway.
- The existing cable will be removed from service and abandoned in place.
- All areas of disturbance (i.e. on Captree Island and within Captree State Park) will be restored in-kind to pre-construction conditions, with native species (plants and seeding) utilized for vegetative restoration (refer to New York State Department of Environmental Conservation (NYSDEC)-approved Restoration Plan – Appendix B).
- Construction is anticipated to take less than six (6) months. Construction is anticipated to begin on October 25, 2021. Construction of the Proposed Action may potentially start as early as October 15, 2021, should the New York State Office of Parks, Recreation, and

Historic Preservation (NYSOPRHP) determine that there are no remaining migratory birds utilizing the construction area.

Reasons Supporting This Determination:

Based on a review of the Proposed Action’s scope of work, the Proposed Action was classified as an Unlisted action under SEQR, and a full Environmental Assessment form and supporting documents (“EA”) were prepared, including Land Use, Natural Resources, Energy, Construction, Coastal Zone Consistency, Smart Growth Assessment by PSEG Long Island and Wetland delineations and Site observations by GEI Consultants, Inc., to evaluate the potential impacts of the Proposed Action. The review was coordinated with NYOPRHP and NYSDEC. The conclusions are summarized below.

Land Use

The Proposed Action will result in similar levels of Site activity as the existing facility. These Site activities are limited to the Captree Substation property and will not impact land uses on the existing Site itself nor will it be of a magnitude expected to impact adjacent land uses. Since the proposed cable is located underground, it will not be visible nor will it change land use within the easement areas. The closest residential land uses to the west on Captree Island roadway are separated from the Proposed Action Site by approximately 1,530 feet and already coexist with electric utility uses located at the Site.

No permanent changes to land use will occur as a result of the Proposed Action. The Proposed Action land use is consistent with the existing land use of the Site and no impacts to adjacent land uses will occur. Further, the Proposed Action will support land uses served by the Captree Substation by facilitating PSEG Long Island and LIPA’s ability to reliably meet the area’s electrical needs in the near future. Therefore, no significant adverse land use impacts will result from the Proposed Action.

Groundwater

The depth to groundwater at the Site of the Proposed Action is less than 11 feet below ground surface. During the open trench and HDD cable installation, groundwater is expected to be encountered during excavation activities. Although this activity will directly encounter the water table, it will not impact groundwater as no sanitary discharge will occur in association with the Proposed Action. The drilling slurry is comprised of bentonite clay, which is inert and will not impact the quality of groundwater. Further, dewatering is not anticipated to be necessary for the proposed construction activities. If a fuel spill from drilling or other construction equipment is observed, a spill response plan will be implemented immediately, thereby minimizing impacts to groundwater to the maximum extent practicable. Since dewatering activities are not anticipated to be necessary, no sanitary discharges will occur in association with the Proposed Action, drilling activities will utilize inert materials which will not impact the quality of groundwater, and a spill response plan will be implemented immediately upon identification of a fuel spill, no significant adverse impacts to groundwater are anticipated.

Wetlands

The Site is in proximity to the Great South Bay, a tidal wetland area regulated by NYSDEC. No soil disturbance activities as part of construction will occur within tidal wetland areas. All Proposed Action activities will be conducted in accordance with the Conditions of PSEG Long Island's NYSDEC General Permit in order to ensure protection of adjacent wetland resources and in accordance with the conditions of USACE Nationwide Permit #12 ("NWP-12") for Utility Line Activities in order to ensure protection of the Great South Bay. Silt fencing (NYSDEC Natural Resource Conditions #17 and #18 of the General Permit) will be installed and maintained along the borders of the proposed equipment laydown and staging areas and proposed disturbance areas. The silt fencing will be located between the Site and the wetland boundaries, collecting any sediment that may be disturbed from trucks and movement of mobile equipment and preventing any sediment from moving into the wetlands. All areas of disturbance from construction activities, including potential disturbance from mobile equipment and vehicles, will be graded and restored with native species (planting and seeding) for vegetative restoration in accordance with Natural Resource Condition #12.

During all HDD activities, best management practices will be utilized to prevent construction material, including debris and drill cuttings, from entering the waterway. Personnel will continuously monitor operations during HDD activities to help control a frac-out event should one occur. The Contractor will have strategically placed and readily available containment equipment to contain inadvertent releases of drilling fluid (refer to Construction, Attachment 5 and the HDD Frac-Out Contingency Plan – Appendix C). There will be no impacts to the NYSDEC or USACE regulated tidal wetlands located within 300 feet of the Site. With these protections in place, significant adverse impacts to the adjacent wetlands will not occur.

Floodplains

The Proposed Action is located within the 100-year floodplain. Silt fencing will be maintained throughout the construction period and until all areas of disturbance are stabilized to minimize potential erosion impacts. The northern HDD staging area on Captree Island will be graded for staging and construction purposes for a maximum period of six (6) months. However, the Proposed Action is designed to avoid grading or changes to area drainage paths and patterns to the maximum extent practicable. All disturbed areas, including equipment laydown and staging areas, will be restored in-kind to pre-existing contours and any changes to topography to occur that may change flood patterns on the Site or in the surrounding area will be temporary. No significant adverse impacts to floodplains will result from the Proposed Action.

Aquatic Communities/Shellfish Resources

The State Boat Channel is part of the Great South Bay commercial shellfish harvest zone. No data exists for specific information regarding benthic communities in this area, however, the Great South Bay in general does support a variety of marine wildlife, including finfish and shellfish. No data specific to the State Boat Channel is available for shellfish populations,

however active efforts to restore and revitalize shellfish populations within the Great South Bay are continuing. Shellfish noted occurring within the Great South Bay include blue mussels, bay scallops, hard clams, soft clams, and northern quahogs.

Although the Proposed Action will not directly impact this habitat, if loss of drill pressure and sediment release occurs (i.e., “frac-out”), there is potential that the Proposed Action could impact shellfish habitat. In particular, bentonite clay, which is used in HDD, could impact shellfish beds if released into the environment. Analysis on the potential impacts from frac-out revealed that fine sediment, such as bentonite clay, could potentially reduce light available to shellfish and ultimately would result in smothering of individuals in the sediment bed. It is noted that in high velocity environments (such as in the State Boat Channel which is in close proximity to Fire Island Inlet), that the likelihood for smothering is reduced due to the rapid movement of water preventing the settling of sediment. Research also indicates that should smothering occur, reestablishment of the population would begin within hours of the event, and full recovery of the population would most likely be achieved within one (1) year.

In order to minimize the limited potential for frac-out adverse impacts, an HDD Frac-Out Contingency Plan (Appendix C) has been prepared which requires continuous monitoring of HDD for frac-out warnings and identifies immediate response actions to prevent a potential frac-out. The Frac-Out Contingency Plan also requires the availability of equipment and materials to undertake specified actions to mitigate impacts if a frac-out does occur.

As research demonstrates, should populations be smothered, that recovery is likely to occur on a short time scale, that currents and water velocity present in the shellfish beds above the project impact area make smothering less likely, and with the frac-out contingency plan in place, impacts to shellfish species as a result of the Proposed Action will be minimized to the maximum extent practicable.

The Great South Bay hosts a variety of finfish. In particular, winter flounder, a species of noted decline, are known to utilize the Great South Bay for their entire life cycle. No data specific to the State Boat Channel is available for this species, however, in general, population declines of this species have occurred since the 1980’s. Winter flounder utilize deep waters in the winter for spawning and utilize shallow, warm waters in the summer season. The State Boat Channel is generally not utilized for recreational fishing. The Proposed Action will occur between late October and the end of March. The State Boat Channel is located in an area of shallower waters, which would not be conducive to winter flounder spawning as the species requires deeper waters in the winter. If a frac-out occurs, impacts to winter flounder are expected to be minimal since the amount of sediment that would potentially encounter the deep waters of the Great South Bay would be reduced due to greater dispersion the farther bentonite particles travel from the frac-out event, and due to the variability of the waterbody’s current. Since the drilling portion of the project will occur in the late fall and winter, and given the relatively shallow nature of the State Boat Channel and lack of suitable habitat for winter flounder, and as a frac-out contingency plan will be place, impacts to winter flounder are not anticipated to occur as a result of the Proposed Action.

Terrestrial Ecological Habitats

Portions of the Proposed Action's scope of work will occur within vegetated areas which contain quality Wetland/Aquatic Community Types, which may serve as quality habitat for some birds (non-migratory) and mammals. A request for natural heritage data was submitted to the New York Natural Heritage Program (NYNHP) via the online Action Screening Request Form on July 31, 2020, and a response letter was received on September 2, 2020. The following four ecological community types will be located within the proposed disturbance areas for the Proposed Action (i.e. locations for clearing, open trench and drilling activities): Pine Plantation/Maritime Shrub Variant, Maritime Shrub, Southern Successional Hardwoods and Mowed Lawn. A Site restoration plan has been developed to restore all disturbed areas in-kind to pre-construction conditions following construction completion, according to the Site Restoration Plan and Storm Water Prevention Pollution Plan (SWPPP). Refer to Appendices B and E, respectively. Since all proposed disturbance to the vegetated areas are temporary, it is anticipated that construction will not result in permanent impacts to vegetation at the Site.

Birds

Several migratory birds may be present for a short duration during breeding season at the time of Construction or restoration activities. The Bird of Conservation Concern (BCC) by the USFWS and the NYS Breeding Bird Atlas Species List for Block 6450C (i.e., within the vicinity of the Proposed Action Site) were reviewed to determine bird species that are likely to utilize the Site. The NYSDEC's List of Endangered, Threatened and Special Concern Fish & Wildlife Species of New York State was also reviewed to identify any bird species shown in Block 6450C and that are listed as Threatened, Endangered, Special Concern or Protected Birds by New York State. Analysis of potential impacts to NYS listed Threatened and Endangered ("T&E"), Special Concern species and Protected Birds is discussed below under "*Threatened, & Endangered (T&E) and Special Concern Species and Significant Habitats.*"

Mammals

Portions of the Proposed Action's scope of work will occur within vegetated areas, which contain suitable habitat for some mammals that may visit the Site. There will be temporary disturbance to vegetation for equipment staging and HDD pipe pullback mostly on Captree Island and a limited area for open trenching and cable splicing (joining) on Captree State Park just south of the Boat Basin parking lot. These areas will be disturbed for a maximum of six (6) months, and all areas will be restored in-kind to pre-construction conditions per the Restoration Plan and Stormwater Prevention Pollution Plan (SWPPP). Refer to Appendices B and E, respectively. A vast majority of the areas surrounding the Site contain suitable habitat for mammals, thus it is expected that these mammals will utilize these areas during construction activities. Due to the temporary nature of construction and the limited size of the Site area, the Proposed Action will not have a significant adverse impact on mammals.

Reptiles and Amphibians

Portions of the Proposed Action's scope of work will occur within vegetated and sandy areas which contain suitable habitat for some reptiles that may visit the Site, including native turtles (*Malaclemys terrapin terrapin* (Diamondback terrapin) and *Terrapene Carolina* (Common box turtle) and snake species such as *Heterodon platirhinos* (Eastern Hognose Snake). However, the surrounding areas of the Proposed Action Site are anticipated to contain adequate space with similar sandy conditions and it is expected that these reptiles will utilize these areas for nesting, breeding and backing. Due to the temporary nature of construction and the limited size of the Site area, the Proposed Action will not have a significant adverse impact on reptiles or amphibians.

Threatened, Endangered and Special Concern Species and Significant Habitats

According to the NYNHP response letter, *Oenothera oakesiana* (Oakes' Evening Primrose) and *Cenchrus tribuloides* (Dune Sandspur) have been documented to occur near the Proposed Action Site. However, none of these listed species were identified during Site observations. As such, no adverse impacts to these T&E plant species will occur.

T&E bird species that may occur within 0.5 miles of the Proposed Action Site according to the IPaC Report include Piping Plover and Roseate Tern (NYS listed Endangered) and Red Knot (NYS listed Threatened). Presence of the Piping Plover has not been documented near the Site, according to the NYS Breeding Bird Atlas. The Site is located outside of the critical habitat for the Piping Plover. The Piping Plover typically breeds and forages on sandy beaches from April 1 through August 31. The Proposed Action construction is scheduled from October 25, 2021 through March 31, 2022, which is outside of the typical breeding seasons for the Piping Plover and terns. As No critical habitat has been designated for the Red Knot or Roseate Tern species. The Roseate Tern typically breeds between late April and early May, with the young leaving the area after approximately two (2) months. Per correspondence with NYSDEC on October 1, 2020, the Common Tern, the Peregrine Falcon (NYS listed Endangered) and Northern Harrier (NYS listed Threatened) have not been observed utilizing a location on or near the Proposed Action Site (i.e. within 500 feet). Further, suitable breeding habitat does not exist for these species within the limits of disturbance for the Proposed Action. Terns only use the sandy shoreline with sparse vegetation and they are not expected to nest in the staging area or pipe pullback area on Captree Island. The typical breeding season for terns is April 1 through August 31. The Northern Harrier requires grasslands for breeding. There is one section of Maritime Grassland located adjacent to the HDD pipe pullback area (west of the pullback area) and the Proposed Action is not anticipated to impact the grasslands or the Harrier breeding habitat. Finally, the Peregrine Falcon requires tall trees or structures to hunt its prey, and the Site does not contain this habitat. such, no significant adverse impacts to Threatened or Endangered Species are anticipated.

None of the birds identified in Block 6450C per the NYS Breeding Bird Atlas are listed as Special Concern species. According to NYSNHP's response letter, the Seaside Sparrow and Black Skimmer (NYS listed Special Concern) were documented to occur near the Site and within the

Site, respectively. None of the NYS listed Special Concern bird species were observed as utilizing the Proposed Action Site during Site visits performed by GEI Consultants or PSEG Long Island. The Seaside Sparrow typically arrives on breeding grounds in April and nests and breeds through late August, while the Black Skimmer typically arrives on breeding grounds from the last week of April and into early May and nests and breeds during the summer months. Construction will occur outside of the typical breeding season for the identified Special Concern species. Therefore, no significant adverse impacts to the Seaside Sparrow or Black Skimmer are anticipated.

The *Antrastomus carolinensis* (Chuck-will's-widow) (NYS listed Protected Bird) was documented to occur near the Proposed Action Site. According to the NYNHP response letter, these birds were heard in a stand of *Pinus rigida* (pitch pine) vegetation in July 2005, within approximately 200 yards of the Site. The Chuck-will's-widow arrive on breeding grounds in March and begin breeding in April. It is likely that construction will be ongoing through the early stages of the Chuck-will-widow's breeding season, up to one (1) month. However, since construction would have already begun approximately five (5) months prior to their breeding season and there is sufficient habitat available for this species to utilize for nesting and breeding, it is expected that any birds will utilize the surrounding areas of the Site.

As the T&E bird and Special Concern bird species or Chuck-will's-widow were not observed during site visits, and suitable breeding habitat does not exist for any of the listed species, no significant adverse impacts to these bird species are anticipated.

The Site does not contain suitable habitat for the listed mammal, Northern Long-Eared Bat (NLEB), as it does not contain suitable roosting areas or food source(s). The Site consists of tidal wetland habitat and lacks enough tree cover or other natural enclosures for foraging and breeding. The NYSDEC limits tree cutting activities if the NLEB is observed on Site. Tree cutting will not occur for the Proposed Action. No significant adverse impacts to the NLEB will occur.

All areas of disturbance will be restored in-kind to pre-construction conditions utilizing native plants and seeding. No T&E plant or animal species were observed during site visits. All proposed disturbance to the vegetated areas are temporary. The Chuck-will's-widow (Special Concern species), and T&E mammals and reptiles that may be present at the Site are expected to utilize the surrounding areas for breeding and nesting activities. Therefore, it is anticipated that construction will not result in significant or permanent impacts to plants and animals at the Site.

Energy

The Proposed Action will have beneficial impacts on LIPA's transmission and distribution system as well as the host community through improved reliability and resiliency. The Proposed Action is required to replace a portion of the existing UG 23kV cable (Circuit # 23-738) that has experienced multiple faults and resulting power outages. The Proposed Action will minimize potential power outages from cable faults and as a result will minimize consequential impacts to area customers and the utility that may persist after an outage is experienced. The Proposed

Action will not result in an increase in voltage capacity or power generation. Ultimately, the Proposed Action will provide a public need by ensuring reliable and adequate electrical service to residents, commercial businesses and the area visitors who enjoy various recreational uses throughout the year. No adverse impacts associated with energy will occur as a result of the Proposed Action.

Construction

During most of the Proposed Action construction work, there will be no impact on traffic since most of the work will take place along the Captree Substation access road (located off of the NYSDOT roadway) and select staging areas on Captree Island and in the Captree State Park Boat Basin parking lot. The number of vehicular trips associated with the Proposed Action will be minimal and a vast majority of the work is anticipated to occur during the Fall and Winter (October 25, 2021 through March 31, 2022), which is the least active time of the year in the vicinity of the park. Delivery of equipment to the Site will require the temporary deployment of flaggers and diversion of traffic. Flaggers will be deployed any time traffic will need to be temporarily regulated. Diversions for equipment deliveries or mobilization will be minimal and conducted in accordance with NYSDOT standards and the Site-specific Work Zone Traffic Control Plan. It is expected that traffic diversion in Captree State Park will be minimal, but reduction in available parking spaces will occur. The HDD staging area in Captree State Park will be coned off for approximately four to six weeks. Access to the park maintenance facility and Boat Basin will not be restricted. Although access to parking will be limited, it will be temporary in nature or of short duration, and will not occur during the peak park use season (i.e. spring through summer). Therefore, the Proposed Action is not expected to result in any significant adverse impacts to traffic or area parking near the Boat Basin.

The air emissions generated by the operation of the construction vehicles will not be expected to result in significant air quality impacts. Appropriate equipment and truck idling reduction, and fugitive dust control measures, such as dust covers and rinsing for trucks will be employed to minimize emissions. Therefore, with best practices employed to minimize fugitive dust, there will be no potential for a significant adverse impact from the Proposed Action construction.

The United States Environmental Protection Agency (EPA) noise emission standards (USEPA 1971) mandate that certain classifications of construction equipment and motor vehicles meet specified noise emission standards, and that construction material be handled and transported in such a manner as not to create unnecessary noise. Construction vehicles are not expected to operate on a continuous basis during any day. The distance between the drilling and grading activities on Captree Island and the closest residence, that is located at 32 Captree Island (roadway), is approximately 1,400 feet (0.26 miles) or greater. The distance between the drilling activities on Captree State Park (south of the State Boat Channel) and the closest public area for recreational activities (i.e., boat dock parking lot located east of the HDD Staging Area parking lot) is approximately 310 feet. With the intermittent noise as well as the distance between the

activities on site and the closest receptors, there will not be significant adverse noise impacts from construction.

Vibration levels at a given receptor are dependent on the type and number of pieces of construction equipment being operated, the receptor's distance from the work site, any shielding effects (i.e., from structures or surfaces that have a dampening effect on vibration) and type of soils and ground materials in the given area. The majority of the construction equipment for the Proposed Action will consist of a drill rig, trucks and other mobile vehicles equipped with rubber tires to dampen vibration. Further, the portion of the Site on Captree Island is sandy and work at this location will include the use of platforms/planks, in which the conditions can help to minimize vibrations. The distance between the work activities and closest sensitive receptors is 310 feet or greater. Based on the conditions to help minimize vibrations and the distance between area receptors and the Proposed Action, construction activities associated with the Proposed Action will not result in significant adverse vibration impacts.

Coastal Zone Consistency

The coastal zone consistency assessment reviewed the Proposed Action's consistency with the forty-four (44) policies ("enforceable policies") established under the New York State Coastal Management Program ("CMP") with which all State and Federal agency actions must be consistent. The analysis found that the Proposed Action is consistent with the relevant policies to the extent practicable.

Based on the EA and PSEG Long Island's recommendation according to the standards as set forth in SEQRA, the Proposed Action will not result in any significant adverse environmental impacts and a Draft Environmental Impact Statement need not be prepared.

For Further Information:

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