

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

Project: Hither Hills Substation Temporary Overhead Bypass (the “Proposed Action”) Approval Request Memo

Date: August 1, 2023

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 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: Hither Hills Substation Temporary Overhead Bypass (the “Proposed Action”)

Location: Within the existing Hither Hills Substation on Old Montauk Highway located within the hamlet of Montauk, Town of East Hampton, Suffolk County, New York

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Proposed Action Description:

The Proposed Action includes the installation five temporary wood poles within the existing Hither Hills Substation (the “Substation”). The Substation is located on the north side of Old Montauk Highway approximately 0.52 miles east of Cemetery Road, hamlet of Montauk, Town of East Hampton, Suffolk County, New York. The location of the Proposed Action is depicted on Figure 1.

The new wood poles are required to form a temporary overhead bypass of two existing circuits within the Substation. The temporary bypass will allow for future conversion work at the Substation to upgrade the circuits from 23kV to 33kV. Engineering has not been completed on the future conversion work. All future work will be analyzed under a separate SEQRA upon the completion of engineering and design. Completing a separate environmental review under SEQRA for the substation conversion once design details are available will be no less protective of the environment . See 6 NYCRR 617.3(g)(1). It is anticipated that the temporary wood poles will be in place until no later than September 2026.

The new temporary wood poles will vary in height between 55 feet and 65. Based on proposed embedment depth and necessary pole-cuts, the resulting height will vary between 45- feet and 52-feet above grade. Table 1 details pole height information below. While no structures of similar heights currently exist within the Substation, distribution poles located in the vicinity of the Substation on Old Montauk Highway vary in height from 40-feet to 60-feet.

Table 1. Temporary Pole Heights

Pole Information				
Pole Number	Height (feet)	Embedment (feet)	Cut (feet)	Height Above Grade (feet)
1	65	11	2	52
2	60	13	0	47
3	55	10	0	45
4	60	13	0	47
5	65	11	2	52

All pole work and ground disturbance will occur within the boundaries of the existing Substation. Select tree trim around the perimeter of the substation may be required and is consistent with utility vegetation management practices.

The Climate Leadership and Community Protection Act (CLCPA) requires State agencies, authorities, and entities to direct funding in a manner designed to achieve a goal for disadvantaged communities to receive 40% of overall benefits of spending on clean energy and energy efficiency programs. The CLCPA directs the Climate Justice Working Group to establish criteria for defining disadvantaged communities, however until the criteria is established, New York State has identified interim criteria for disadvantaged communities. The Proposed Action is not located in a disadvantaged community as provided for by the interim criteria and does not include funding for clean energy and energy efficiency programs.

Reasons Supporting This Determination:

The Proposed Action is an “Unlisted” Action as defined in SEQRA. An Environmental Assessment (“EA”) was completed by PSEG Long Island. The EA analyzed the potential environmental impacts of the Proposed Action. Based on a review of the Proposed Action’s scope of work in accordance with the requirements of SEQRA, a Short Environmental Assessment Form Parts 1, 2 & 3 (“SEAF”) were prepared. Key findings are outlined below.

- In 2010, the New York State Department of State designated nine areas within the Town and Village of East Hampton as the East Hampton Scenic Areas of Statewide Significance (SASS). Specifically, the Substation and the Proposed Action area are located within the Hither Hills Scenic Area of Statewide Significance.

The Hither Hills SASS includes most of the Montauk Peninsula, from Hither Hills State Park just east of Nepeague Harbor, to the western outskirts of the hamlet of Montauk, near Fort Pond. The SASS is approximately 3.5 miles long and 1 to 1.5 miles wide. It

includes all of the Lee Koppelman Nature Preserve, the Hither Woods Preserve, the Hither Hills State Park, portions of Montauk Highway, and portions of Old Montauk Highway.

The Hither Hills SASS is comprised of five subunits: HH-1 Hither Hills, HH-2 Old Montauk Highway, HH-3 Montauk Highway West, HH-4 Nepeague Beach East, and HH-5 Fresh Pond. The Substation and the Proposed Action are located within HH-3 Montauk Highway West.

The New York State Department of Environmental Conservation (NYSDEC) developed a methodology for assessing and mitigating visual impacts (DEP-00-2). While this policy was developed for NYSDEC's review of actions, the methodology and impact assessment criteria established by the policy are comprehensive and can be used by other State and local agencies to assess potential impacts.

According to DEP-00-2, a "visual impact" occurs when "the mitigating effects of perspective" do not reduce the visibility of an object to insignificant levels. DEP-00-2 also provides guidance with respect to the definition of an "aesthetic impact":

Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure. Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision making. Instead a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource (DEP-00-2, p. 9).

The "mitigating effects of perspective" are important to understand in the assessment of visual impact. A factor that reduces the potential for impact is the overall character of the surrounding landscape, including existing vegetation, buildings, and topography. The effects of distance and contextual topography can reduce the visibility of a structure to insignificant levels.

Thus, while the elements of the Proposed Action may be visible within a viewshed, mere visibility is not a threshold of significance. The significance of the visibility is dependent on several factors: presence of any designated historic or scenic resources within the viewshed of the Proposed Action; whether there is an otherwise perceived beauty that is adversely impacted; distance; general characteristics of the surrounding landscape; and the extent to which the visibility of the Proposed Action interferes with the public's enjoyment or appreciation of the resource. A significant adverse visual impact will only occur when the effects of design, distance, and intervening topography and vegetation did not minimize the visibility of an object and the visibility significantly detracts from the public's enjoyment of a resource.

To determine the visual effects of the Proposed Action on the Hither Hills SASS, field investigations were conducted and visual simulations depicting the Proposed Action from nearby scenic resources were created. Resources utilized in the visual analysis were the scenic overlook, located north of the Proposed Action on Montauk Highway, Hither Hills State Campground, located immediately south on Old Montauk Highway, and Nepeague Beach located south of the Proposed Action, see Figure 2. As depicted in Attachment A (Views 1, 2 and 3), the Substation site was not visible from any of the three locations. As illustrated in Attachment A "View 1- Proposed" the tops of the

temporary poles will be partially visible looking north from the adjacent campground. While no structures of similar heights currently exist within the Substation, wood distribution poles are located in the vicinity of the substation on Old Montauk Highway and vary in height from 40-feet to 60-feet and are visible from the same location as depicted in the Attachment A “View 1- Proposed”.

When visual analysis was prepared from the Scenic Overlook and Nepeague Beach, the Proposed Action was not visible. A site section of the viewshed from these areas was prepared and is included as Attachment B. As depicted, existing topography and vegetation obstruct the view of the Proposed Action for observers looking north from Nepeague Beach or south from the Scenic Overlook.

Based on this investigation, the Proposed Action will not significantly impair the visual landscape as experienced from any scenic or aesthetic resources of concern or interfere with or reduce the public’s enjoyment and/or appreciation of the appearance of any inventoried scenic, open space, or other resource. Installation of the new temporary poles will occur within the existing Substation where existing electrical infrastructure currently exists and are consistent with the wood distribution poles located within the vicinity of the substation on Old Montauk Highway. As such the Proposed Action will be consistent with the existing character of the area and there will be no significant adverse visual impacts as a result of the Proposed Action.

- The Proposed Action is located within an area that is designated by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as a building district eligible for designation by OPRHP. Furthermore, as illustrated in Figure 3, the Proposed Action is located within the vicinity ten “eligible” structures including the substation itself. The Proposed Action will be completed within the existing Substation, which is currently developed as an electric substation with connecting aboveground infrastructure. A project consultation was submitted to OPRHP. OPRHP responded in a letter dated April 10, 2023 stating that no archeological and/or historic resources would be impacted by the Proposed Action (see Attachment C). Given the location of the Proposed Action within the previously disturbed area, as well as the determination by OPRHP, the Proposed Action will not result in significant adverse impacts to historic, cultural, or archaeological resources.
- The NYSDEC regulates activities within wetlands as well as the upland adjacent areas; regulated adjacent areas extend 100-feet from regulated freshwater wetlands and up to 300-feet from tidal wetlands. As illustrated in Figure 4, NYSDEC mapping indicates a freshwater wetland is present to the west of the Proposed Action. A site investigation was conducted on February 9, 2023 by qualified PSEG Long Island staff who determined that no portions of the Proposed Action are located within NYSDEC regulated wetlands or wetland adjacent areas. Therefore, the Proposed Action will not impact wetlands.
- The following threatened or endangered species were identified as being potentially located in the vicinity of the Proposed Action: least tern (state-listed threatened), and piping plover (state-listed endangered, federally-listed endangered). Habitats associated with these species are discussed below.

Least terns are the smallest terns in North America and nest in colonies along open sand of ocean beaches, sand flats and barrier islands where limited vegetation is present¹. Within New York State this species is only found on Long Island.

Piping plovers nest on open, sparsely-vegetated beaches and sandflats between the primary dune and high tide line where vegetative cover is generally less than 20%².

The Proposed Action will be completed within the limits of the existing Substation, which is fenced, covered in crushed dolomite stone, and does not contain suitable habitat for the aforementioned threatened or endangered species. Since no loss of or disturbance to habitat for any rare, threatened or endangered wildlife species will occur, the Proposed Action will not result in significant adverse impacts to the identified threatened and endangered species.

- The Proposed Action is located within the Coastal Zone in the Town of East Hampton for which the Town has an approved Local Waterfront Revitalization Program (LWRP). The LWRP is the Town of East Hampton's coastal management blueprint and provides a comprehensive examination of the Town's coastal resources and management practices. The structure of the LWRP is based on the New York State Coastal Management Program, which is comprised of 44 separate statewide coastal policies. For the purposes of East Hampton's LWRP, the 44 statewide policies have been rearranged and consolidated into 11 main categories in addition to a Harbor Management Plan to better address the unique characteristics of the Town of East Hampton.

The Proposed Action was analyzed against each of the policies outlined in the LWRP and Harbor Management Plan. The complete analysis is included as Attachment D. Based on a review of available applicable public policy plans, the Proposed Action is consistent with said plans and no impacts will occur as a result of the Proposed Action.

No potential for a significant adverse impact on the environment, flora, fauna, community character or human health has been identified as a result of the Proposed Action. Based on the SEAF 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.

¹ <https://guides.nynhp.org/least-tern/>

² <https://guides.nynhp.org/piping-plover/>

For Further Information:

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