

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

Project: Ocean Beach to Fire Island Pines Conversion and Reinforcement (C&R) Project

Date: October 19, 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: Ocean Beach to Fire Island Pines Conversion and Reinforcement (C&R) Project

Location: New York Avenue, Church Street, 6th Street, Ridge Avenue, Central Street, West Walk, Lewis Walk, Judy Garland Memorial Path, Fire Island Boulevard; hamlets of Ocean Bay Park, Point O’ Woods, Cherry Grove, and Fire Island Pines, Town of Brookhaven, Suffolk County, New York

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Proposed Action Description:

The Proposed Action includes pole installations, removals, and replacements, new underground cable installations, and overhead wire replacements and removals located between the hamlet of Ocean Bay Park and the hamlet of Fire Island Pines. More specifically, 35 poles will be replaced (two of which will also have guy wires installed), seven poles will be removed, one new pole will be installed, and one existing pole will have a guy wire installed. Of the 44 poles described above, 15 are located on United States Fire Island National Seashore (FINS) owned land. The poles on federally owned land are comprised of the seven poles which will be removed, the one existing pole which will have a guy wire installed, and seven poles to be replaced, two of which will also have a guy wire installed.

Additionally, approximately 1,075 feet of overhead wire will be removed in association with the seven poles to be removed. A total of approximately 10,750 feet of overhead wire will be replaced, approximately 1,550 feet of which is located on federal land. Finally, a new approximately 1,250-foot underground cable will be installed in the Carrington Tract (the parcel of land located between the hamlets of Cherry Grove and Fire Island Pines). The underground cable will be installed via horizontal directional drilling. Drill entry and exit pits will be approximately four feet by six feet in size and will be situated to utilize existing unvegetated areas so that no clearing of vegetation is anticipated. Upon completion of

drilling activities, any sand excavated for the drill pits will be returned to its original location. In order to connect the drilled cable to the existing pole line, minor trenching between the drill exit pit and the existing pole (approximately 100 feet between pole 477 and the drill pit within the Carrington Tract) will occur. The trench will be a maximum of three feet in width and 42 inches in depth.

Three staging areas are proposed for the work as follows:

- Ocean Bay Park ferry dock
- Area adjacent to the walkway and roadway in Fire Island Pines, north of Beachcomber Walk
- Area adjacent to the Sailor's Haven dock

A map depicting all of the proposed work is attached as Figures 1a-1j. In total, approximately 0.18 acres of ground disturbance will occur for the entirety of the Proposed Action.

Reasons Supporting This Determination:

Based on a review of the Proposed Action's scope of work in accordance with the requirements of SEQRA, the Short Environmental Assessment Form Parts 1, 2 & 3 ("SEAF") was prepared to evaluate potential impacts of the Proposed Action.

The SEAF evaluates the effect of the Proposed Action upon land use, natural resources, visual resources and community character, energy use, environmental hazards and human health resources. Since the Proposed Action primarily involves the installation of underground facilities and the in-kind replacement of existing infrastructure, there will be no change to land use or community character, nor will there be any effects on human health.

A portion of the Proposed Action site is located within and adjacent to the Point O' Woods Historic District containing buildings that are listed on the State or National Register for Historic Places. However, the proposed work area will be limited to paved and previously disturbed areas, which do not adjoin these buildings. Additionally, a portion of the Proposed Action is located adjacent to buildings listed on the State or National Register for Historic Places: the Frank Carrington House and Carrington Cottage/Guesthouse. The Proposed Action will take place north of the Frank Carrington House and Carrington Cottage/Guesthouse and will not disturb areas that adjoin these buildings. A portion of the Proposed Action is located within and adjacent to a New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) designated archeologically sensitive area. A consultation request was submitted to OPRHP, and OPRHP responded with a letter dated February 27, 2023 that the Proposed Action would have no impact on historic properties, including archeological and/or historic resources (see Attachment A). Therefore, the Proposed Action will not result in any significant adverse impacts to the aforementioned areas.

As the Proposed Action is located on Federal Land, an archaeological investigation was required by the National Parks Service (NPS). The investigation included a Phase IA literature search and sensitivity assessment to identify previously recorded archeological sites and other cultural resources within or near the Area of Potential Effect (APE), to assess the archaeological sensitivity of the APE, to document

previous ground disturbance, and to make recommendations regarding the need for Phase IB subsurface archaeological testing. PSEG Long Island retained GEI Consultants, Inc., P.C. (GEI) and PaleoWest Archaeology (PaleoWest) to conduct the Phase IA literature search and sensitivity assessment. Based on the results of the Phase IA literature search and sensitivity assessment, PaleoWest proposed a Phase IB pedestrian survey and subsurface testing of the footprints of the proposed ground disturbing activities within the FINS associated with the Proposed Action. Due to the location of the APE within a National Park, the Phase IB investigation was conducted under a permit for archaeological investigations issued to comply with the federal Archaeological Resource Protection Act (ARPA). Fieldwork for the Phase IB survey began on January 17, 2023 and concluded on January 18, 2023. No cultural materials were recovered during surface or excavation sampling. The survey resulted in the documentation of no new archaeological sites. PaleoWest proposed that no further actions are required. As no archaeological artifacts were encountered, no impacts to archaeological resources are likely to occur. Additionally, due to the required coordination with NPS, it is possible that National Environmental Policy Act review would be conducted. NPS will determine if a Categorical Exclusion applies to the Proposed Action.

All of the poles and wires to be removed are located within the wetlands associated with the Carrington Tract. Removal of Pole C503 may include incidental clearing of vegetation in order to access the pole. The wetland is brackish and is dominated by the invasive reed, *Phragmites australis*, which indicates that this portion of the wetland is of low ecological value. In order to facilitate removal of the remaining poles, a pathway of swamp mats will be created through the wetlands, between C504 and C509. This pathway will include a continuous line of eight foot wide swamp mats, which will be located within a ten foot area on the south side of the existing pole line. A rear property bucket truck and rear property pole setter (utilized to remove the poles) will traverse the swamp mat pathway to conduct removal activities. The poles will be cut into two foot sections and will be removed via small vehicle which will traverse the pathway. The bases of the poles are planned to be lifted one foot from the ground and cut six inches above grade and then lowered back into the hole; the pole top will end up buried six inches below grade. The remainder of the hole will be filled with clean sand from a supplier who can certify the material source. Overhead wire will be removed with cable pulling equipment located at each end of the pathway. Upon completion of removal activities, the swamp mats will be removed, and the wetland will be left to regenerate naturally. Native plantings will be installed at either end of the pathway to deter social use of the pathway as it regenerates. Additionally, there are a few work locations along the project route that are adjacent to or within NYSDEC regulated freshwater wetlands. The work within the freshwater wetland adjacent area is authorized under PSEG Long Island NYSDEC Permit #1-9901-00011/0035. The work within the freshwater wetland requires permits from the USACE, NYSDEC, and NYSDOS. Applications have been prepared for each required permit.

The EAF Mapper Summary Report identified that there are Piping Plover (*Charadrius melodus*), Least Tern (*Sternula antillarum*), and Common Tern (*Sterna hirundo*) located at or around the Proposed Action site. Piping Plover is listed as endangered in New York State and as threatened on the Federal level. USACE will coordinate with the U.S. Fish and Wildlife Service during their permit review for compliance with the Endangered Species Act Section 7. Piping Plover utilize sandy shorelines to roost, forage, and raise young. The Proposed Action does not include work within or directly adjacent to a sandy shoreline. Piping Plovers usually nest during May and June and depart for wintering areas by early September. Construction activities will take place outside of Piping Plover nesting season.

Least Tern is listed as threatened in New York State and as endangered on the Federal Level. However, Least Tern is listed federally for the interior of the United States only, not the coast where the Proposed Action is taking place. Least Tern utilize large, open expanses of sandy or gravelly beach to breed. Least Tern and Piping Plover are commonly found nesting in the same area. Again, the Proposed Action does not include work within or directly adjacent to sandy shoreline. Unvegetated areas where exit pits will be located are situated along traveled roadways and are separated from the sandy shoreline by dune vegetation and/or homes. As such, these areas would not be suitable for Least Tern nest colonies.

Common Tern is listed as threatened in New York State and not listed on the Federal Level. Common Tern utilized sand and shell beaches, grassy uplands, and rocky inland shores. The Proposed Action does not include work within or directly adjacent to sand and shell beaches, grassy uplands, or rocky inland shores. As such, the Proposed Action will not result in significant adverse impacts to threatened or endangered species including Piping Plover, Least Tern, and Common Tern at either the individual or the population level.

The EAF Mapper Summary Report identified that portions of the Proposed Action are located in the 100-year flood plain. The Proposed Action does not include the introduction of impervious surfaces or structures and will not result in changes in grade or flood patterns. Therefore, the Proposed Action will not result in significant adverse impacts to the 100-year flood plain.

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 will not be prepared.

For Further Information:

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/s/ Billy Raley

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Dated: October 19, 2023