

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

Project: Hither Hills Substation 23kV to 33kV Conversion (the “Proposed Action”) Approval Request Memo

Date: April 18, 2024

This notice is issued in accordance with Article 8 (State Environmental Quality Review Act (“SEQRA”)) 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 23kV to 33kV Conversion (the “Proposed Action”)

Location: Within the existing Hither Hills Substation and along Old Montauk Highway directly east and west of the 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 is the conversion of the Hither Hills Substation (the “Substation”) from 23kV to 33kV and consists of the removal and replacement of the existing substation equipment, and the installation of two new pad mount switchgear within the maintained roadside near the outside of the Substation fence, and two new underground distribution feeders that will connect to existing infrastructure along Old Montauk Highway. 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.

Additionally, the Proposed Action requires the temporary installation of a mobile substation unit during construction to provide continued service to the community during the Substation conversion.

All existing Substation equipment will be removed and replaced with 33kV compatible equipment. Equipment to be installed includes two 33kV transformer banks, two 33kV risers,

a battery enclosure, two gang operated disconnects, two circuit switchers, three 13kV switchgears, a vacuum circuit breaker, and three ground switches, or similar. All equipment listed above will be installed within the existing footprint of the Substation and will be of similar height to the existing structures and equipment.

Two underground exit feeders, and one associated manhole, will be installed as part of the Proposed Action. The exit feeders are relatively short: the west feeder is approximately 550 feet and the east feeder is approximately 850 feet. The two new feeders will each exit the Substation and connect to two new pad mount switchgear immediately outside of the Substation fence before turning south toward Old Montauk Highway. The west feeder will continue along the maintained roadside area for approximately 365 feet until it reaches Pole 154, where a new riser will be installed to connect the feeder to the existing overhead equipment. Once on Old Montauk Highway, the east feeder will continue within the maintained roadside of Old Montauk Highway until it reaches existing pad mount equipment. A single manhole will be installed as for the east feeder.

The majority of the ground disturbance will occur within the boundaries of the existing Substation or within the maintained roadside area dominated by turf grasses. A small amount of clearing of vegetation other than turf grasses (approximately four square feet) will be necessary at the base of Pole 154 to allow for the installation of a new riser.

Acquisition of a property easement for the installation of the underground feeders will be required across a singular parcel owned by New York State Parks. The parcel is more particularly identified on the Suffolk County Tax Map as District 300 Section 86 Block 02 Lot 5. The required property easement will extend approximately 365 feet west and 675 feet east of the existing substation access road along the north side of Old Montauk Highway. Property easements are in place for the existing substation and associated access road.

On August 1, 2023, the Long Island Power Authority issued a “Negative Declaration” for the installation of temporary wood poles to form a temporary overhead bypass within the Substation. It is anticipated that the temporary wood poles will be in place until no later than September 2026. At the time of the issuance of the Negative Declaration, engineering on the conversion of the Substation had not been completed. Completing a separate environmental review under SEQRA for the temporary bypass was no less protective of the environment. This document serves as a separate environmental review under SEQRA for the conversion of the Substation and installation of new underground feeders. Please see 6 NYCRR § 617.3(g)(1).

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 Napeague 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 Napeague 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 the 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 from nearby scenic resources were conducted. 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 Napeague 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; only the temporary wood poles previously permitted will be visible from View 1. With the exception of the temporary bypass poles, the existing equipment within the Substation has a maximum height of approximately 18 feet. New equipment within the Substation will have a maximum height of 20 feet.

Further, 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 Hither Hills State Campground Napeague 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. As the replacement equipment will be of similar height to the existing structures, the Proposed Action will not alter the viewshed and structures will remain not visible from the identified scenic resources. 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 includes the replacement of noise generating equipment within the Substation. Manufacturer's testing of the existing equipment within the Substation found noise levels to vary between approximately 60 and 66 decibels (dBA) at approximately one foot from the equipment. Under the Proposed Action, all existing noise generating equipment will be removed. The manufacturer's testing of the noise generating equipment to be installed within the substation reports a maximum of 55 dBA at one foot. All additional equipment installed as part of the Proposed Action will be non-noise producing. Therefore, the new equipment to be installed is anticipated to generate less noise than the existing equipment. As such, the Proposed Action will not result in any perceptible noise increase above existing ambient noise levels. Given the above, there will be no significant adverse noise impact generated 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 of ten "eligible" structures including the Substation itself. All equipment will be installed within or immediately adjacent to the existing Substation, which is currently developed as an electric substation with connecting aboveground infrastructure as well as within the maintained roadside area of Old Montauk Highway.

A project consultation was submitted to OPRHP on January 4, 2024. OPRHP responded by letter dated January 25, 2024, 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, the height of the proposed equipment remaining similar to the existing equipment, as well as the determination

provided by OPRHP, the Proposed Action will not result in significant adverse impacts to historic, cultural, or archaeological resources.

- The Hither Hills State Park Campground is located to the south of the Proposed Action on Old Montauk Highway. New York State Parks states that the peak camping season at this location is between June 14 and September 7. No noise generating construction activities will occur during this period. More specifically, the removal of existing equipment, feeder installation, and installation of the mobile unit are anticipated to be completed prior to the start of the 2024 summer camping season. The installation of the replacement equipment inside the substation will not occur until after the summer camping season is completed for 2024. Additionally, all construction activities will occur during daylight hours; no night construction will occur. As such, no significant adverse noise or vibration impacts will occur during peak camping season.
- 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. Site investigations were conducted on February 9, 2023 and January 22, 2024 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), piping plover (state-listed endangered, federally-listed endangered); northern long-eared bat (state-listed endangered, federally-listed endangered), blunt mountain mint (state-listed threatened), bushy rock rose (state-listed threatened), Nantucket juneberry (state-listed endangered), northern blazing star (state-listed threatened), seabeach amaranth (state-listed threatened, federally-listed threatened), southern arrowwood (state-listed threatened). 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.

Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances, constant temperatures, and high humidity with no air currents. Northern long-eared bats roost underneath bark, in cavities, or in crevices of trees during summer. Males and non-reproductive females may also roost in cooler places, like caves and mines. It has also been found, rarely, roosting in structures like barns and sheds³.

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

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

³ <https://ecos.fws.gov/ecp/species/9045>

Blunt mountain mint is predominately found in wet, sandy, coastal habitats including wet swales between dunes, coastal plain ponds and wet roadside shrub thickets⁴.

Bushy rock rose is found across various habitats, with dry sandy soils being the common habitat factor. This species has been found growing with grasslands, various forest types, and dry sandy slopes with minimum herbaceous cover. Additionally, this species is intolerant to moisture and shade⁵.

Nantucket juneberry requires sandy soils and have been found growing in maritime grasslands and heath dominated areas in woodlands and forest openings⁶.

Northern blazing star is a flowering species known to occupy dry, sandy habitats or grassy openings including disturbed weedy grasslands and sandy roadsides⁷.

Seabeach amaranth habitat consists of barrier island beaches, particularly between the foredune and wrack lines or overwash areas landward of the foredune⁸.

Southern arrowwood is a shrub that utilizes a variety of dry sandy coastal habitats; predominately dunes, shrublands and old fields⁹.

The replacement of Substation equipment will be completely 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.

The installation of the underground distribution feeders will occur within the maintained roadside and adjacent to the existing pole line. Ecological site investigations were conducted on February 9, 2023 and January 22, 2024 by qualified PSEG Long Island staff to determine if suitable habitat for the aforementioned threatened and endangered species was present. It was observed that the roadside consists of heavily maintained/ mowed roadside predominately comprised of turf grass and exposed sandy areas. Pole 154, where the proposed riser will be installed, is surrounded by shrubby vegetation. See Table 1 below for a list of species encountered surrounding Pole 154.

⁴ <https://guides.nynhp.org/blunt-mountain-mint/>

⁵ <https://guides.nynhp.org/bushy-rockrose/>

⁶ <https://guides.nynhp.org/nantucket-juneberry/>

⁷ <https://guides.nynhp.org/northern-blazing-star/>

⁸ <https://guides.nynhp.org/seabeach-amaranth/>

⁹ <https://guides.nynhp.org/southern-arrowwood/>

Table 1. Species List

Common name	Scientific name
Shrubs & Vines	
Japanese honeysuckle	<i>Lonicera japonica</i>
Greenbriar	<i>Smilax rotundifolia</i>
Multiflora rose	<i>Rosa multiflora</i>
Boxwood	<i>Buxus sempervirens</i>
Sumac	<i>Rhus sp.</i>
Saplings	
American holly	<i>Illex opaca</i>
white oak	<i>Quercus alba</i>
red oak	<i>Quercus rubra</i>
Eastern white cedar	<i>Juniperus virginiana</i>
pitch pine	<i>Pinus rigida</i>

No mature trees are located adjacent to Pole 154; all saplings are less than 6 inches diameter at breast height and less than approximately 25 feet in height. Due to the size and composition of the vegetation in this area it is not anticipated to be suitable habitat for the piping plover, least tern, northern long-eared bat, blunt mountain mint, and seabeach amaranth.

Habitat within the Proposed Action area is consistent with habitat requirements of the bushy rock rose, Nantucket juneberry, Northern blazing star, and Southern arrowwood. There are no historical records of the above threatened or endangered species within the precise Proposed Action Area and none of the above species were located within the Proposed Action area during the two ecological site investigations. Horizontal direction drill will be utilized, when possible, to reduce potential impacts to the mowed roadside area and associated herbaceous species growing within. Furthermore, disturbance related to the Proposed Action has been minimized to the maximum extent practicable. As such, there is no anticipated loss of habitat for threatened or endangered species. Since no loss of habitat for any threatened or endangered 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.

For Further Information:

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