

APPENDIX U
FEDERAL CONSISTENCY ASSESSMENT FORM
&
POLICY ANALYSIS

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. **APPLICANT** (please print)

1. Name: PSEG Long Island as Agent for the Long Island Lighting Company d/b/a LIPA, a wholly owned subsidiary of the Long Island Power Authority
2. Address: 175 East Old Country Road, Hicksville, NY 11801
3. Telephone: Area Code () 516-738-6177

B. **PROPOSED ACTIVITY:**

1. Brief description of activity:

The Proposed Action is the installation of a new underground 69kV transmission cable and 14 manholes from the Bridgehampton Substation located on Bridgehampton-Sag Harbor Turnpike in the Town of Southampton to the Buell Substation located on Cove Hollow Road in the Town of East Hampton (approximately 5.2 miles). The new underground cable is designed to be installed below grade within the existing LIPA owned and/or controlled overhead right-of-way (ROW).

2. Purpose of activity:

The Public Need for the Proposed Action relates to LIPA's objective of providing safe and reliable electric service to the eastern end of Long Island. The Proposed Action will provide an additional transmission supply that could be used to relieve any high thermal loading and mitigate the risk to equipment on the T&D System and to customers. Implementation of the Proposed Action reinforces the T&D System on the eastern portion of Long Island and will help mitigate potential Transient Voltage Recovery limitations.

3. Location of activity:

<u>Suffolk</u>	<u>Town of Southampton & Town of East Hampton</u>	<u>Below grade within the existing LIPA owned and/or controlled overhead ROW</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: NWP #57

5. Federal application number, if known: _____

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

Long Island Power Authority- Lead Agency, SEQRA; NYSDOS, Coastal Consistency; NYSDEC, Incidental Take Permit (Part 182), Individual Permit (Article 24-Freshwater Wetlands), Stormwater Pollution Prevention Plan (GP#0-20-001); New York State Legislature, Parkland Alienation.

C. **COASTAL ASSESSMENT** Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES/NO

- a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)
- b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
- c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
- d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
- e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)
- f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
- g. Siting of a facility essential to the generation or transmission of energy? (27)
- h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
- i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)
- j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
- k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)
- l. Adverse effect upon land or water uses within the State's small harbors? (4)

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES/NO

- a. State designated freshwater or tidal wetland? (44)
- b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)
- c. State designated significant fish and/or wildlife habitat? (7)
- d. State designated significant scenic resource or area? (24)
- e. State designated important agricultural lands? (26)
- f. Beach, dune or Barrier Island? (12)
- g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)
- h. State, county, or local park? (19, 20)
- i. Historic resource listed on the National or State Register of Historic Places? (23)

3. Will the proposed activity require any of the following: YES/NO

- a. Waterfront site? (2, 21, 22)
- b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)
- c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)
- d. State water quality permit or certification? (30, 38, 40)
- e. State air quality permit or certification? (41, 43)

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document*)

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: PSEG Long Island as Agent for the Long Island Lighting Company d/b/a LIPA, a wholly owned subsidiary of the Long Island Power Authority _____

Address: **175 East Old Country Road, Hicksville, NY 11801** _____

Telephone: Area Code () **516-738-6177** _____

Applicant/Agent's Signature: _____ Date: _____

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

**Bridgehampton to Buell (BTB) New 69 kV Underground Transmission Cable
Conformance with New York State
Coastal Zone Management Policies**

1. Will the proposed activity result in any of the following:

h) Reduction of existing or potential public access to or along coastal waters? (19,20)

Policy 19 *Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.*

Response: The Proposed Action will temporarily impact access to portions of the coastal area within the Long Pond Greenbelt during construction only. Access to the Long Pond Greenbelt from Widows Gavits Road and to the areas immediately surrounding the construction will be impacted; access to the remainder of the greenbelt, not immediately within the construction area, will not be impacted. Construction will last a maximum of 3-5 months and will take place during the off-season to help mitigate impacts to access to recreation resources. Access to all recreation resources will be restored upon the completion of construction. The Proposed Action will have no permanent impact to access to public water related recreation resources and facilities.

Policy 20 *Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.*

Response: The Proposed Action will temporarily impact access to portions of the coastal area within the Long Pond Greenbelt during construction only. Construction will last a maximum of 3-5 months and will take place during the off-season to help mitigate impacts to publically-owned foreshore and to lands immediately adjacent to the foreshore of the water's edge. Access to all recreation resources will be restored upon the completion of construction. The Proposed Action will have no permanent impact to access to publically-owned foreshore and to lands immediately adjacent to the foreshore of the water's edge

e) Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)

Policy 9 *Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.*

Response: The Proposed Action will temporarily impact access to portions of the coastal area within the Long Pond Greenbelt during construction only. Construction will last a maximum of 3-5 months and will take place during the off-season to help mitigate impacts to recreation use of coastal fish resources. Access to all coastal fish resources will be restored upon the completion of construction. The Proposed Action will have no permanent impact to access to recreational use of fish and wildlife resources.

Policy 10 Further develop commercial finfish, shellfish and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.

Response: N/A – The Proposed Action is not located near any commercial fishing facilities. The Proposed Action site is not proposed for on-shore commercial fishing facilities nor has any such facility been contemplated at the site. No fish stocking is proposed in association with the Proposed Action, and no aquaculture activities are proposed. The subsurface portion would be compatible with the existing uses adjacent to and within the Proposed Action area. Accordingly, the Proposed Action would not result in impacts to commercial fishing activities and the Action is consistent with these policies.

g) Siting of a facility essential to the generation or transmission of energy? (27)

Policy 27 Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

Response: The Public Need for the Proposed Action relates to LIPA's objective of providing safe and reliable electric service to the eastern end of Long Island. The South Fork T&D System of eastern Long Island has been the subject of continuous studies due to the experienced and forecasted electric load growth in the area. This area has been growing in terms of electrical demand at an average rate of 2.4% since 2009. The average annual forecasted net electric load growth for that area for the next 10 years is approximately 2% per year. The anticipated load growth will result various thermal and voltage constraints on this portion of the T&D System resulting in the need for various transmission improvement projects in order to provide reliable electric service. The Proposed Action is part of a portfolio of projects that

have been selected which meet the anticipated T&D System needs until at least 2030.

Furthermore, the current configuration of existing transmission circuits are such that the loss of the double circuit would result in a single 69 kV supply to portions of the North Fork and areas east of the Bridgehampton Substation on the South Fork. In 2025, under forecasted electric load conditions, such a loss would result in unsafe, high thermal loading on the remaining 69 kV supply, which is anticipated to be above PSEG Long Island's Transmission Planning Criteria, which dictates the electrical and thermal loads acceptable for the T&D System. High thermal load beyond the planning criteria poses an unacceptable risk of damaging T&D System equipment, which can result in significant customer outages. The Proposed Action will provide an additional transmission supply that could be used to relieve any high thermal loading and mitigate the risk to equipment on the T&D System and to customers.

The Proposed Action has been designed to be installed below grade beneath the existing Long Island Power Authority owned and/or controlled overhead right-of-way (ROW) which bisects the coastal area within the Long Pond Greenbelt. The Proposed Action will not expand the ROW and, with the exception of the minimal area occupied by manhole covers, will not alter the habitat or land use within the coastal area.

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following:

a) State designated freshwater or tidal wetland? (44)

Policy 44 *Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.*

Response: The Proposed Action will install the proposed underground transmission cable directly beneath the two identified freshwater wetlands within the coastal area via horizontal direction drill (HDD). As such, there are no anticipated impacts to turbidity or surface conditions of the ponds. A single manhole will be installed within the previously disturbed dirt path on the east side of Long Pond within the ROW. There will be no change in habitat type or quality surrounding the wetland.

The HDD installation for the Proposed Action will utilize a drilling fluid to facilitate the advancement of the drill bit through the soil, which is a standard practice for such operations. Because the drilling fluid consists

mainly of a bentonite clay-water mixture, it is not considered to be hazardous or toxic. However, the drilling fluid does comprise a fine-grained sediment slurry which potentially could adversely affect sensitive resources such as surface waters and wetlands, as well as the ecological species that rely on these resources, if inadvertently released to the environment. The most likely cause of such a release during drilling operations is from a "frac-out" event, which involves drilling fluid escaping through fractures in the soil and migrating toward the surface. Escape of drilling fluid from a frac-out is most common near the drill entry and exit locations, but can occur at any location along the drill path. To mitigate potential impacts associated with a frac-out event, a Frac-Out Contingency Plan will be prepared.

Given the lack of disturbance to wetlands or regulated adjacent areas as a result of the proposed installation methods for the cable, and the frac out response plan which will be implemented should a frac out occur during drilling activities, no significant adverse impacts to wetlands will occur as a result of the Proposed Action.

b) Federally designated flood and/or state designated erosion hazard area? (11,12, 17)

Policy 11 *Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.*

Response: The Proposed Action includes the installation of a subsurface structures that will remain in-place; the structures will not have an impact on properties, and endanger human lives due to flooding events and erosion.

Policy 12 *Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.*

Response: The Proposed Action includes the installation of a subsurface structures that will remain in-place; the structures will not have an impact on properties, and endanger human lives due to flooding events and erosion. Furthermore, the Proposed Action has been designed to limit disturbance within the coastal area to the maximum extent practicable. A single underground manhole will be placed within previously disturbed areas on the west side on Long Pond. With the exception of the minimal area occupied by manhole covers, will not alter the habitat or land use within the coastal area.

Policy 17 *Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.*

Response: N/A – The Proposed Action does not utilize non-structural measures for flood and erosion protection as the Proposed Action is not for the aforementioned purposes.

c) State designated significant fish and/or wildlife habitat? (7)

Policy 7 *Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.*

Response: The Proposed Action is located within a listed Significant Coastal Fish Habitat and Wildlife Habitat – Long Pond Greenbelt. The Proposed Action is not expected to impact the viability of existing significant fish and wildlife habitats. As stated above in response to *Policy 44*, given the lack of disturbance to wetlands or regulated adjacent areas as a result of the proposed installation methods for the cable, the location of the manhole within the previously disturbed areas, and the frac out response plan which will be implemented should a frac out occur during drilling activities, no significant adverse impacts to significant coastal fish and wildlife habitat will occur as a result of the Proposed Action.

d) State designated significant scenic resource or area? (24)

Policy 24 *Prevent impairment of scenic resources of statewide significance.*

Response: The Long Pond Greenbelt has been identified as a locally significant scenic resource. The Proposed Action includes the installation of a subsurface structures that will remain in-place; With the exception of the minimal area occupied by manhole covers, will not alter or impair the local scenic resource.

h) State, county, or local park? (19, 20)

Policy 19 *Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.*

Response: As previously discussed, the Proposed Action will temporarily impact access to portions of the coastal area within the Long Pond Greenbelt during construction only. Access to the Long Pond Greenbelt from Widows Gavits Road and to the areas immediately surrounding the construction will be

impacted; access to the remainder of the greenbelt, no immediately within the construction area, will not be impacted. Construction will last a maximum of 3-5 months and will take place during the off-season to help mitigate impacts to access to recreation resources. Access to all recreation resources will be restored upon the completion of construction. The Proposed Action will have no permanent impact to access to public water related recreation resources and facilities.

Policy 20 *Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.*

Response: As discussed above, the Proposed Action will temporarily impact access to portions of the coastal area within the Long Pond Greenbelt during construction only. Access to the Long Pond Greenbelt from Widows Gavits Road and to the areas immediately surrounding the construction will be impacted; access to the remained of the greenbelt, no immediately within the construction area, will not be impacted. Construction will last a maximum of 3-5 months and will take place during the off-season to help mitigate impacts to access to recreation resources. Access to all recreation resources will be restored upon the completion of construction. The Proposed Action will have no permanent impact to access to public water related recreation resources and facilities.

3. Will the proposed activity require any of the following:

d) State water quality permit or certification? (30, 38, 40)

Policy 30 *Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.*

Response: N/A – The Proposed Action does not involve siting of water dependent uses and facilities.

Policy 38 *The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.*

Response: The Proposed Action will not impact the quality or quantity of groundwater supplied. The Proposed Action will temporarily expose soils

during construction, which could increase the magnitude of stormwater runoff, and induce increased stormwater erosion and sediment transport, which could impact on-site or nearby surface waters and/or the underlying groundwater. Such impacts will be avoided or minimized through implementation of the site-specific Storm Water Pollution Prevention Plan (SWPPP). As stated above in response to *Policy 44*, given the frac out response plan which will be implemented should a frac out occur during drilling activities, and the implementation of a SWPPP no significant adverse impacts the quality or quantity of groundwater supplies are anticipated.

Policy 40 *Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.*

Response: N/A – The Proposed Action does not involve the discharge of effluent from electrical generating facilities in to coastal waters.