Land Use
Ecological Services, Inc.

RECEIVED
OCT 13 2022
Central Pine Barrens Joint
Planning & Policy Commission

October 5, 2022

Central Pine Barrens Joint Planning & Policy Commission
624 Old Riverhead Road
Westhampton Beach, NY 11978

RE: Request for No-Development Determination
PSEG Long Island | Manorville Overhead Line Removal Project
Right-of-Way from Hot Water Street to Bailey Lane

Dear Sir or Madam:

Land Use Ecological Services, Inc., on behalf of PSEG Long Island, as agent for Long Island Lighting Company d/b/a LIPA, a wholly owned subsidiary of Long Island Power Authority, is requesting confirmation that work proposed within the Compatible Growth Area (CGA) of the Pine Barrens does not constitute "development" as per NYS ECL Article §57-0107(13)(i) or (vi). PSEG Long Island is proposing the removal of a section of overhead ("OH") electric utilities along the existing utility right-of-way (ROW) and installation of underground utilities ("UG") along the public ROW running southeast from Hot Water Street to south of Oceanview Boulevard, Town of Brookhaven, Suffolk County, New York located within the Compatible Growth Area.

The project involves removal of the existing above-ground utility line and associated utility poles within the right-of-way between Hot Water Street and the southern end of Bailey Lane. No cutting of trees or widening of the right-of-way is necessary for the proposed removal of the utility line. No heavy equipment will be used for pole removal; poles will be cut to grade and removed using carts along the ROW.

The existing UG distribution cable will be extended approximately 945 linear feet to service the existing cell tower site. An approximately 25-foot portion of the UG service will be installed via guide drill and the remainder will be installed via open trench adjacent to the existing access road. Approximately 0.06 acres (2,850 SF) of ground disturbance will be required to facilitate cable installation via open trench. Standard UG structures (i.e. splices and an interrupter) will be required along the new UG cable. The area along the roadway where open trenching is proposed is sparsely vegetated. Upon completion of construction, all disturbed areas will be revegetated with appropriate native species. Tree removal is not required.

In accordance with ECL § 57-0107 (13) (ii), the project as described does not constitute development as it is "work by any utility not involving substantial engineering redesign for the purpose of inspection, maintenance or renewal on established utility rights-of-way or the likes, and any work pertaining to water supply for the residents of Suffolk county." I respectfully request that the Commission confirm this in writing at your earliest convenience.

570 Expressway Drive South, Suite 2F • Medford, New York • 11763
631-727-2400 • Fax 631-727-2605

In support of this request for No-Development Determination, I have enclosed the *Existing Conditions and ET Species Assessment* report with attachments including project location, preliminary plans, and photographs of the site.

If you have any questions or require additional information to enable review and confirmation of no development, please contact me at (631) 727-2400 or krisotto@landuse.us. Thank you.

Sincerely,

Kelly Risotto
Senior Ecologist / GIS Manager

Enc.
Via Priority Mail and Email

Manorville Cell Tower
Overhead Utility Line Removal and Underground Utility Line Installation

Existing Conditions and Assessment of Potential Impacts to E/T Species

1) Ecological Conditions

The ecological communities surrounding the Hot Water Street to Bailey Lane PSEG right-of-way (Figure 1, Location Map) consist of high quality, coastal oak-heath forests (Photos 1 and 2). These forests are dominated by white oak (*Quercus alba*), black oak (*Quercus velutina*), scarlet oak (*Quercus coccinea*), chestnut oak (*Quercus montane*), and pitch pine (*Pinus rigida*) with a dense, continuous understory comprised of low heath shrubs such as lowbush blueberries (*Vaccinium pallidum, V. angustifolium*) and black huckleberry (*Gaylussacia baccata*). The more open conditions within the right-of-way result in greater plant diversity with the above species represented along with scrub oak (*Quercus ilicifolia*), sweet fern (*Comptonia peregrina*), and trailing arbutus (*Epigaea repens*) and herbaceous species such as bracken fern (*Pteridium aquilinum var. latiusculum*), Pennsylvania sedge (*Carex pensylvanica*), hairgrass (*Deschampsia sp.*), cowwheat (*Melampyrum lineare)*, striped wintergreen (*Chimaphila maculata*), intermediate and spreading dogbane (*Apocynum apocynum* and *A. androsaemifolium*), whorled loosestrife (*Lysimachia quadrifolia*), sundrops (*Oenothera fruticosa ssp. glauca*), and wintergreen (*Gaultheria procumbens*), The abundance of invasive plant species is very low through the project site with stands of invasive plants observed adjacent to the residential properties, particularly near areas of dumped landscaping debris.

The forest community along the existing access road to the Manorville cell tower from Oceanview Boulevard has similar species composition as the Hot Water Street to Bailey Lane reach, but tends to have a greater proportion of pitch pine in the canopy and successional hardwoods such as black cherry (*Prunus serotina*), sassafras (*Sassafras albidum*), and red maple (*Acer rubrum*) along the margins of the access road (Photo 3).

The dirt path along the right-of-way between Hot Water Street and the Manorville cell tower is narrow, typically 5 to 8-ft wide, with small reaches as wide as 15-ft. The path is heavily trafficked by ATVs and motorbikes resulting in bare, disturbed sandy soils. The path is also deeply incised in many locations due to the combined effects of ATV/motorbike use, steep slopes, and erosion/rilling (Photos 4-6). The existing utility poles within the right-of-way are often surrounded by native plant species typical of open, successional sites in pine-barrens habitats (Photos 7 and 8).

2) Description of Project Impacts to Endangered or Threatened Species

Two wildlife species with endangered or threatened protection status in New York State have been identified as being on or in the vicinity of the project site: eastern tiger salamander (*Ambystoma tigrinum*, NYS Endangered) and northern long-eared bat (*Myotis septentrionalis*, NYS Threatened).

No tree clearing is necessary to complete the removal of the utility poles. Accordingly, no potential impacts to roosting northern long-eared bats are expected. However, if any hardwood trees (greater than 3-in DBH) must be removed for site access, the tree clearing shall occur during the winter months (Dec 1- February 28) to avoid potential impacts to roosting northern long-eared bats.

Cranberry Pond and its associated freshwater wetlands (NYSDEC-regulated FWW ID# M-6), located approximately 700 feet east of the northern ROW entrance, to the north of Hot Water Street, are known to support breeding tiger salamanders (Figure 2, Project Map). Tiger salamanders spend the large majority of the year in Pine Barrens, deciduous forests (red maple and oak spp.), and mixed pine-deciduous forests (pitch pine-oak spp.) with a blueberry understory located within 1,000 feet of breeding ponds (NYNHP, 2022). During this time, adult tiger salamanders are found in loose, sandy, surficial soils suitable for burrowing and in soils with extensive networks of burrows from small mammals. Adult migration to the breeding ponds can occur anytime between November and April (M. Gibbons, pers. comm.) depending on weather and pond ice conditions. Tiger salamanders breed in seasonal or permanent ponds such as coastal plain ponds and vernal ponds. Eggs hatch approximately 3-6 weeks and larvae remain in the breeding pond until they metamorphose in late summer (Gibbs et al, 2007). Juvenile salamanders migrate out of the ponds between late June and September.

a) Impacts Associated with Proposed Project

The applicant proposes to remove the existing above-ground utility line and associated utility poles within the right-of-way between Hot Water Street and the southern end of Bailey Lane. No cutting of trees or widening of the right-of-way is necessary for the proposed removal of the utility line; accordingly, the project will not result in any permanent loss of upland oak forest habitat typically used by tiger salamanders (NYNHP, 2022) or naturally vegetated corridors that connect existing salamander habitats.

Potential impacts to tiger salamanders could result from disturbance, injury, or mortality to salamanders at the soil surface or in shallow burrows during construction with heavy equipment or ground disturbance. These potential impacts are not anticipated, due to the following construction methods: 1) minimizing ground disturbance and size of needed equipment by pole removal by cutting poles to grade and removing the poles via carts along the right-of-way; 2) not using trucks or heavy equipment for the pole removal (all trucks/heavy equipment will be staged on the paved roadways near the ROW entrance); and 3) retaining all existing trees. It should be noted that the existing right-of-way is currently heavily trafficked by ATVS and motorbikes resulting in compacted or disturbed soils along the right-of-way that can be utilized for site access and pole removal via cart without significant changes to site conditions or potential impacts to salamanders.

Overall project impacts will be minimized in the 835-ft reach of new underground cable between the Manorville cell tower and Oceanview Boulevard by installing the cable beneath or within the cleared/disturbed area immediately adjacent to the existing access road, to avoid trenching/ground disturbance in the oak-pine-heath forest located between the access road and the residential properties on the west side of Oceanview Boulevard. Trenching in this area also avoids the ~8-15% slope between the existing access road and the residential properties (Photo 3).

3) Assessment of the Project's Potential to Threaten Continued Existence of Tiger Salamanders in Adjacent Wetlands

The proposed actions do not threaten the continued existence of tiger salamanders in the freshwater wetlands of Cranberry Pond and the adjacent upland forests as 1) no loss of existing natural ecological communities utilized by tiger salamanders as upland habitat (i.e. coastal oak-heath forest, pine-oak forest, and woodlands) will occur and 2) proposed construction methods outlined above serve to minimize the potential impacts associated with the proposed project.

a) Reasonable Foreseeable Impacts from Other Projects

No other projects adjacent to the NYSDEC M-6 and M-41 wetlands are known.

4) Measures to Avoid E/T Species Impacts

The following measures have been incorporated into the project's construction methodology to avoid potential impacts to salamanders or their habitat and avoid a potential take of this species:

- No loss or disturbance to upland forest habitat;
- No clearing or trimming of trees to preserve and maintain forest habitat;
- Cutting poles at ground level to avoid ground disturbance;
- No use of trucks or heavy equipment to avoid ground disturbance and potential crushing injury or mortality to salamanders in surficial burrows;

5) Literature Cited

Gibbs JP, AR Breisch, PK Ducey, G Johnson, JL Behler, R Bothner. 2007. Amphibians and reptiles of New York State: Identification, natural history, and conservation. Oxford University Press. 504 pages.

Madison D and VR Titus. 2009. Final report for New York State Department of Environmental Conservation: Tiger salamander upland habitat requirements. Project MOU # AM 05513.

NYSDEC. 2010. Guidance for Land Cover Set Asides for Conservation of the Eastern Tiger Salamander And Suggested Methods to Avoid, Minimize, and Mitigate Impacts. Dated October, 26, 2010.

New York Natural Heritage Program. 2022. Online Conservation Guide for Ambystoma tigrinum. Available from: https://guides.nynhp.org/tiger-salamander/ . Accessed April 8, 2022.New York Natural Heritage Program.

PSEGLI- Manorville Pine Barrens

Article 11 Supplemental Information

Hot Water Street to Oceanview Boulevard, Manorville NY 11949

PHOTOS 1 and 2

NOTES:
1. Coastal Oak-Heath Forests adjacent to Hot Water Street-Manorville Cell Tower Right-of-Way. Photos taken June 16, 2022.

PSEGLI- Manorville Pine Barrens

Article 11 Supplemental Information

Hot Water Street to Oceanview Boulevard, Manorville NY 11949

PHOTOS 3 and 4

NOTES:
1. Dirt Path along Hot Water Street-Manorville Cell Tower Right-of-Way. Photos taken June 16, 2022.

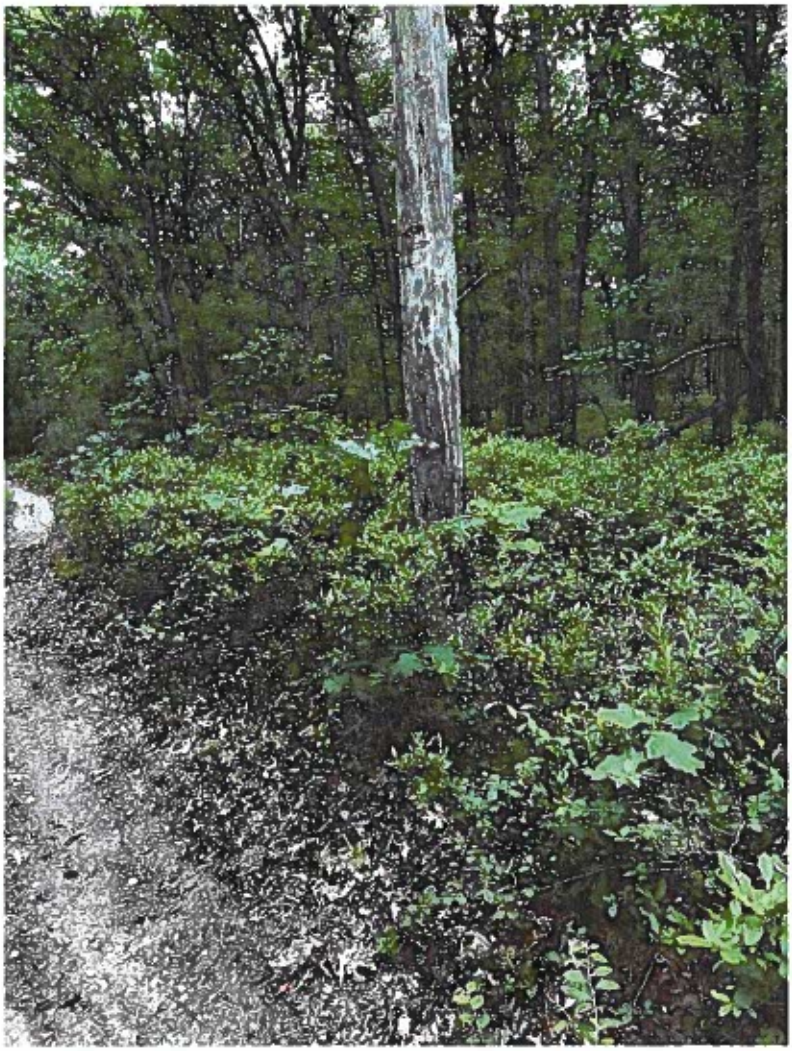
PSEGLI- Manorville Pine Barrens
Article 11 Supplemental Information
Hot Water Street to Oceanview Boulevard, Manorville NY 11949

PHOTOS 5 and 6

NOTES:
1. Above: Deeply Incised Dirt Path along Hot Water Street-Manorville Cell Tower Right-of-Way. Photo taken June 16, 2022.
2. Below: Paved Access Road between Manorville Cell Tower and Oceanview Boulevard. Photo taken June 16, 2022.

PSEGLI- Manorville Pine Barrens
Article 11 Supplemental Information
Hot Water Street to Oceanview Boulevard, Manorville NY 11949

PHOTO 7



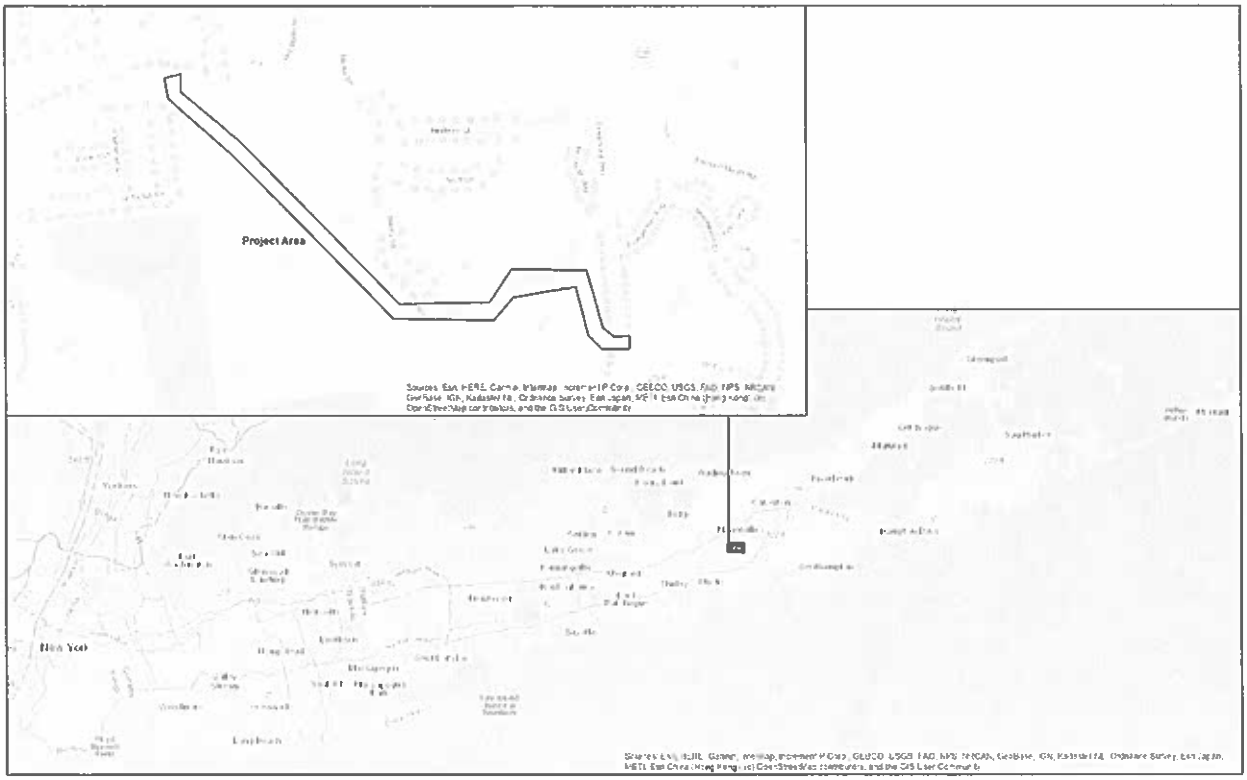
NOTES:
1. Utility Pole (typical) to be Removed from Hot Water Street-Manorville Cell Tower Right-of-Way. Photos taken June 16, 2022.

PSEGLI- Manorville Pine Barrens
Article 11 Supplemental Information
Hot Water Street to Oceanview Boulevard, Manorville NY 11949

PHOTO 8

NOTES:
1. Utility Pole (typical) to be Removed from Hot Water Street-Manorville Cell Tower Right-of-Way. Photos taken June 16, 2022.

Figure 1. Location Map depicting the area of proposed utility line work.



- Existing Pole (remove)
- Existing Overhead Primary Line (remove)
- Existing Overhead Secondary Line (remove)
- Proposed Underground Line
- Existing Underground Line (abandon in place)
- Existing Underground Line

PSEGLI line data obtained from H2M and PSEGLI.

N

1 in = 400 ft

0 200 400 ft

Land Use Ecological Services, Inc.

RECEIVED
OCT 13 2022
Central Pine Barrens Joint
Planning & Policy Commission

Prepared By: Land Use Ecological Services, Inc.
570 Expressway Drive South, Suite 2F
Medford, NY 11763

Project: PROJECT INFORMATION
For: PSEG Long Island
At: Manorville Cell Tower
SCTM #various

Date: 3/29/2022	Revised:	Scale: As Noted	Figure 2

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790
P: (631) 444-0365 I F: (631) 444-0360
www.dec.ny.gov

LETTER OF NO JURISDICTION
ENDANGERED SPECIES ACT
FRESHWATER WETLANDS

November 22,2022

Via email only

Long Island Power Authority
c/o PSEG Long Island
175 East Old Country Road
Hicksville, NY 11801
Attn: Hannah Emouna

Re: NYSDEC Application # 1-4722-07218/00001
Manorville Cell Tower, ROW Bailey Ln., Hot Water St., Manorville
Replace Overhead Line and Poles with Underground Line

Dear Ms. Emouna;

The Department of Environmental Conservation (DEC) has documented the occurrence of the eastern tiger salamander, and the northern long-eared bat, both species listed as endangered in 6 NYCRR Part 182, in the vicinity of the above referenced project site, and as you are aware, the "take" of a species listed as endangered or threatened is prohibited in the absence of authorization from the DEC pursuant to ECL § 11-0535. Although both species are known to occur at or near your project location, DEC has determined the proposed project is not likely to result in the take of threatened or endangered species, and therefore, no permit is required at this time pursuant to the implementing regulations (6NYCRR Part 182) of the New York State Endangered Species Act (Article 11-0535).

In addition, DEC staff find that the project as shown on the plans referenced below, is located more than 100 feet from NYS-regulated Freshwater Wetlands and is beyond the jurisdiction of the Freshwater Wetlands Act (Article 24) and it's implementing regulations (6NYCRR Part 663). Therefore, no freshwater wetland permit is required for this project as proposed.

These determinations are based on the information submitted on October 13 and 21, 2022, which includes the project plans dated March 29, 2022 prepared by Land Use Ecological Services, and project narrative also prepared by Land Use Ecological Services. The proposed project shown on the March 29, 2022 plans meets the DEC's *Guidance for Land Cover Set Asides for Conservation of the Eastern Tiger Salamander*. While a portion of the project falls within 1000 feet of the documented breeding pond, the plans indicate that no work would take place within 535' of the breeding pond and there will be no habitat loss within 1,000 feet of the breeding pond. The application indicates no tree removal is proposed for this project

If you have questions regarding the impact of project design parameters on these two species, please be aware that DEC staff is available to provide assistance to the design professionals who would be responsible for the final project design. Although this letter indicates no permit is required at this time, you are advised that any changes in location, expansion of the footprint of the project, modifications of the scope, or changes in the timing of proposed actions that are not identified in the submission referenced above may trigger DEC authorization. Be sure to reinitiate contact with this office if such activities are contemplated.

Please note that this letter does not relieve you of the responsibility of obtaining any necessary permits or approvals from other agencies or local municipalities.

Sincerely,

Kevin Kispert
Permit Administrator

cc: NYSDEC BoEH
Land Use Ecological Services