



## Remote Commission Meeting of June 16, 2021

### Adopted Resolution Upper Mills Fish Passage, Peconic River

#### Members Present:

Ms. Aguiar, Riverhead Town Supervisor

Mr. Dale, for the Suffolk County Executive

Mr. Romaine, Brookhaven Town Supervisor

Mr. Shea, for the Southampton Town Supervisor

Yvette Aguiar  
*Member*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

Whereas, on June 9, 2021, Peconic Estuary Partnership (PEP), through their agent L.K. McLean, LLC, submitted to the Central Pine Barrens Commission a request for determination of jurisdiction to construct a fish passage at Upper Mills Dam on Peconic River, as shown on the plans prepared by L.K. McLean Associates, P.C. dated August 2020 (the Project), and

Whereas, the Project is designed to restore the historic upstream freshwater and spawning habitat of diadromous fish including alewives and American eel in the Peconic Estuary, which have been disrupted by the installation of six dams along the Peconic River, and

Whereas, fish passages have been constructed at two of the dams, and

Whereas, the Upper Mills Dam crosses and connects lands owned by LIPA, the Town of Riverhead and the County of Suffolk, and

Whereas, the Project requires the temporary four-month closure of Middle County Road which traverses the Upper Mills Dam and provides access to a LIPA substation located to the south of the dam and north of State Route 24, and

Whereas, during the pendency of the Project, LIPA requires access to its substation, and

Whereas, PEP proposes to temporarily improve an existing dirt roadway that provides alternative access to the substation from Nugent Drive (State Route 24) during the pendency of the Project, and

Whereas, the access route is 15 feet wide and approximately 1,607 feet in length in the LIPA right of way, south of the substation, accessible from Nugent Drive, as shown in the map titled "Temporary Site Access Plan" prepared by L.K. McLean Associates P.C., dated June 2021, and

Whereas, for continued PSEG vehicular access to the substation, fortification of the temporary access route is necessary with either the placement of recycled concrete aggregate (RCA) with a geotextile filter fabric or the placement of swamp mats, and

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will remove either surface once the fish passage is completed, and

Whereas, the temporary access route improvement will not require the removal of any existing natural pine barrens habitat and protective fencing will be installed along the edge of the vegetated areas, and

Whereas, the construction of the fish passage will require the removal of pine barrens habitat as identified on the Project plans.

Now therefore be it

Resolved, pursuant to Section 57-0107(13)(c) of the New York State Environmental Conservation Law the Project constitutes an environmental restoration activity, and be it further

Resolved, the Project will restore migratory fish habitat resources, and be it further

Resolved, the Project will minimize the impacts of the temporary access way through the use of RCA or swamp mats, and such access will not require the removal of any pine barrens vegetation, and be it further

Resolved, the Commission requests notification in writing when the project is complete and the temporary access has been restored, and be it further

Resolved, no further review is required by the Commission.

Record of Vote at Commission Meeting of June 16, 2021

Motion by: Mr. Shea

Seconded by: Ms. Aguiar

Ayes: 4: Ms. Aguiar, Mr. Dale, Mr. Romaine, Mr. Shea

Nays: None

Abstentions: None

Absent: 1: New York State Governor's Representative