



November 19, 2008

Adopted Resolution
Long Island Power Authority (LIPA)
Compelling Public Need Waiver
Core Preservation Area of the Central Pine Barrens

Whereas, the Long Island Power Authority (LIPA), by letter dated July 3, 2008, submitted an application to the Central Pine Barrens Joint Planning and Policy Commission for a Core Preservation Area Hardship Waiver based on Compelling Public Need under ECL Article 57-0121(10) of the Environmental Conservation Law to expand and reconfigure the existing Riverhead Substation in the Core Preservation Area of the Central Pine Barrens; and

Peter A. Scully
Chair

Phillip J. Cardinale
Member

Brian X. Foley
Member

Linda A. Kabot
Member

Steve A. Levy
Member

Whereas, the 40.5-acre project site owned by LIPA is located south of NYS Route 25 and south of Peconic River and north of CR 94 (also known as NYS Route 24), situated in the Open Space Conservation Zoning District, in the Town of Southampton, Suffolk County Tax Map Number 900-135-2-2; the project site has been developed, in part, with an electrical substation for more than 50 years; and

Whereas, the proposed project involves the clearing of approximately 2.02 acres composed of 1.14 acres of woodlands, 0.80 acres of meadow or successional old field, and 0.08 acres of dirt paths; and

Whereas, the existing conditions of the project site are composed of approximately 6.1 acres (15%) of cleared area including 4.1 acres of existing substation infrastructure and 2.2 acres of dirt roads; and

Whereas, a total of approximately 8.12 acres or 20% of the project site would be developed under the proposed project and approximately 32.38 acres or 80% of the project site would remain in its existing natural state; and

Whereas, the Applicant's submission contains a discussion and assertion for the Core Preservation Area Hardship Waiver based on Compelling Public Need as it relates to energy needs for public health and safety, including, but not limited to, public facilities including hospitals and educational institutions; and

Whereas, the proposed project is an Unlisted Action pursuant to Environmental Conservation Law Article 8 (State Environmental Quality Review Act (SEQRA)); and

Whereas, the Commission coordinated the application with other Involved Agencies by letter dated August 1, 2008, and no objections were received to the Commission acting as Lead Agency for the Project; and

Whereas, the Commission assumed Lead Agency on July 16, 2008 and scheduled a public hearing; and

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2nd Floor
Great River, NY
11739-0587

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Whereas, the Commission held a public hearing on September 17, 2008 on the Core Preservation Area Compelling Public Need Waiver Application, and the hearing was held open to allow the applicant to submit supplemental information as a result of requests made at the hearing, and a transcript was thereafter made available to the Commission; and

Whereas, LIPA submitted additional information on September 30, 2008 in response to requests for information at the public hearing; and

Whereas, the Commission held a continuation of the public hearing on October 15, 2008; a transcript was thereafter made available to the Commission; and

Whereas, as a follow-up to inquiries at the October 15, 2008 public hearing, LIPA submitted additional supplemental information on October 22, 2008; and

Whereas, the Environmental Assessment Form Parts II and III identified potential significant adverse impacts on wildlife habitat, however, it has been determined that the significant adverse impacts will be mitigated by the proposed habitat restoration, monitoring and mitigation plan; and

Whereas, the Commission has considered all materials submitted in connection with the application.

Now therefore be it

Resolved, that pursuant to the New York State Environmental Conservation Law (ECL) Article 8 (State Environmental Quality Review Act (SEQRA)) 6 NYCRR Part 617, the Commission hereby adopts a Negative Declaration pursuant to SEQRA, and be it further

Resolved, that the Commission hereby determines the application, as submitted meets the criteria for Core Preservation Area hardship based on Compelling Public Need pursuant to New York State ECL 57-0121 (10)(c) and be it further

Resolved, that the Commission finds that LIPA has demonstrated the project will serve an essential health and safety need because without the expanded substation, the reliability and capacity of the LIPA system will be compromised, which could jeopardize LIPA's ability to provide electricity to the five East End Towns including portions of the Central Pine Barrens;

Resolved, that LIPA plans to minimize the impact on the resources of the Core Preservation Area to the maximum extent practicable and mitigates such impacts by the implementation of a restoration plan;

Resolved, that LIPA has demonstrated that there is no feasible alternative outside the Core Preservation Area because the substation that serves the five East End Towns is located in the Core and was developed prior to the adoption of the Long Island Pine Barrens Protection Act of 1993;

Resolved, that the application is for a Core Preservation Area hardship exemption based on Compelling Public Need approved by the Commission, on this day, November 19, 2008, in accordance with the Site Plan prepared by Keyspan (Exhibit A-1) last dated September 29, 2008 date stamped received September 30, 2008, subject to the following specific conditions, be it further

Resolved, the Commission approves the Compelling Public Need Waiver with the following conditions:

1. General conditions of approval.

- a. Obtain additional permits and approvals, as required by law, prior to commencement of activity related to the expansion on the project site. Forward copies of such approvals and/or permits to the Commission Office two weeks prior to commencement of site work. If any substantial changes occur to the current Site Plan last dated September 29, 2008, the applicant shall return to the Commission for review and approval, prior to implementation.
- b. Submit to the Commission for its review and approval proposed Covenants and Restrictions stating that secondary containment will be provided for all new transformers containing fluid installed on the project site. Record C&Rs after Commission approves same. Provide proof of recording two weeks before commencement of site work.
- c. Submission of a construction schedule for work related to this project. Notify Commission Staff after installation of erosion control measures to perform inspection.
- d. Submission of periodic progress reports for work related to the proposed project in a mutually acceptable format and basis, but in no event less than quarterly.

2. Habitat Restoration, Monitoring and Mitigation Plan.

- a. Submission of a habitat restoration and monitoring plan for Commission review and approval, which approval shall not be unreasonably withheld or conditioned.
 - i. The habitat mitigation ratio shall be three acres restored for every one acre disturbed by the proposed project and in no event shall be less than 3.42 acres consisting of 1.95 acres of scrub oak shrubland and 1.47 acres of pitch pine woodland. The restoration plan shall contain relevant data including, the locations and tax map numbers of areas to be restored, list of plant species for each area, quantity of each plant species, size, spacing, grading, irrigation, and details associated with restoration and origin of plant material. Provide details on transplantation methods (tree spade removal), storage and holding protection measures for transplanted material and time of year when transplanting will occur. The contents of the restoration plan shall include a five year monitoring plan that with performance standards including survivability.
 - ii. The Plan shall include a program for measuring success of the utilization of habitat by the target species, coastal barrens buckmoth, once the plantings and habitat are mature enough to support this species. Success rates will be established and monitoring during seasonally active periods

to determine utilization of the habitat once it is mature to support the buckmoth and potentially other wildlife.

- b. Provide management measures for the restored habitat.
- c. Minimize the use of herbicides and other chemical treatments on invasives.
- d. Avoid the fall period for plantings and restoration activities in the areas designated for scrub oak restoration to minimize adverse impacts to buckmoth during vulnerable periods when the species is present actively foraging, mating, and utilizing the project site habitat.
- e. The Plan shall include an implementation schedule with details including but not limited to target dates for removal and transplantation of existing scrub oak, period of planting. Provide periodic updates to the Commission in a mutually agreed format and basis, but in no event less than quarterly.
- f. Included in the Plan shall be protection measures for the restoration areas.

3. Protection of Adjacent Freshwater Wetland Habitat.

- a. The project clearing limits shall be a minimum of 10 feet from the boundary of wetland habitat as indicated on the Plan prepared by LIPA (Exhibit A-1) last dated September 29, 2008. There shall be no encroachment within the 10 foot wetland buffer.
- b. Install suitable protection barriers at the edge of the clearing limits to avoid encroachment by construction crew.
- c. Install native plantings along the western boundary of the disturbed area. Submit a planting plan for protection of habitat on the clearing limit boundaries, two weeks prior to commencement of work. These plantings shall be maintained for three years to ensure survival.
- d. Commission approval required if a retaining wall is necessary.

now therefore be it

Resolved, the Commission grants the Compelling Public Need Waiver for the LIPA Riverhead Substation Expansion project, and be it further

Resolved, the Commission incorporates those mitigation measures identified in this decision as conditions to the Compelling Public Need Waiver granted herein and LIPA must adopt, implement, and strictly comply with the same.

Resolved, a copy of this resolution shall be filed with the Suffolk County Clerk indexed against the property.

Record of Motion
Motion By: J. Turner
Seconded by: M. Shea
Record of Vote:
Yea: 5
Nay: 0

**State Environmental Quality Review Act
NEGATIVE DECLARATION
November 19, 2008**
Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Central Pine Barrens Joint Planning & Policy Commission, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

LEAD AGENCY: The Central Pine Barrens Joint Planning & Policy Commission
P. O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739
(631) 563-0385

TITLE OF ACTION:
Long Island Power Authority
Core Preservation Area Hardship Permit Application based on Compelling Public Need

SEQRA STATUS: Unlisted Action

DESCRIPTION OF ACTION:
LIPA proposes to expand and reconfigure the existing Riverhead Substation. Approximately 2.02 acres would be cleared for the expansion. The existing substation covers approximately 6.1 acres.

LOCATION:
Core Preservation Area of the Central Pine Barrens
North of Nugent Avenue (CR 94, SR 24), south of SR 25 and south of Peconic River, Town of Southampton

SUFFOLK COUNTY TAX MAP NUMBER:
SCTM No. 900-325-2-2

REASONS SUPPORTING THIS DETERMINATION
An expanded Environmental Assessment Form Part I was prepared and submitted by the project sponsor, LIPA. The EAF Part I was reviewed by the Lead Agency. The Lead Agency prepared Environmental Assessment Form Parts II and III. A review of these documents as well as aerial photographs, wetland maps, cultural resources data, groundwater flow data, and field inspections

were conducted. A review of the project revealed the following information:

The proposed project is located within the Core Preservation Area of the Central Pine Barrens as defined by the Long Island Pine Barrens Act (Environmental Conservation Law Article 57). The project is classified as an Unlisted Action pursuant to the ECL Article 8 (State Environmental Quality Review Act). A 30-day coordinated review was initiated in conjunction with other involved agencies including the New York State DEC, State Historic Preservation Office, Town of Southampton, and Army Corps of Engineers. No substantive comments were received from any Involved Agencies during this period in regard to the project.

The project sponsor submitted a Core Preservation Area Hardship Permit Application based on Compelling Public Need. The review of the project elements also involves balance of potential adverse environmental impacts that may occur if the Waiver is granted by the Lead Agency.

Water Resources

Wetland Habitat

Potential adverse impacts were identified to the buffer area surrounding the existing freshwater wetland on the project site, which is situated approximately 10 feet west of the clearing limits for the expansion area. The applicant proposes to mitigate potential adverse impacts to the wetland area by installing hay bales and silt fencing prior to commencement of construction. It will be a condition of approval for the applicant to install suitable protection barriers at the edge of clearing limits to avoid encroachment by construction crew.

The applicant's Alternative Ring Bus design illustrated a project that would result in the net loss of wetland habitat on the project site because the expansion would be built in an area that contains existing freshwater wetlands. The current proposal avoids the direct impact and loss and results in the protection of said freshwater wetland habitat.

A NYSDEC Wild and Scenic Recreational Rivers Permit is pending; the current status of the application before the DEC is incomplete.

The Commission's decision will also contain a condition of approval that the applicant obtain additional permits and approvals from other agencies, as applicable.

Groundwater Resources

Potential adverse impacts were identified on groundwater resources from the installation of transformers that require mineral oil to lubricate substation equipment. The applicant proposes to mitigate said adverse impacts through the installation of secondary containment to minimize spill potential on groundwater and nearby wetland habitat. The applicant submitted a Spill Prevention Control and Countermeasure Plan dated 2006 to examine the travel time for dielectric fluid that could be released into the environment, potential pathways, and the response mechanisms in place to minimize impacts to the environment. Submission of a Declaration of Covenants and Restrictions and proof of filing that requires secondary containment of new transformers on site

will be a condition of approval.

Terrestrial Wildlife Habitat

Potential adverse impacts on terrestrial wildlife habitat were identified since the proposed action involves the removal of existing scrub oak and pitch pine habitat, as well as other native vegetation in the expansion area. The applicant performed an inventory of the utilization of the existing scrub oak habitat in the expansion area, which was confirmed to be utilized by the coastal barrens buckmoth. The applicant proposes to mitigate potential adverse impacts to buckmoth habitat through the implementation of a habitat mitigation plan, whereby the applicant would restore degraded areas on site with scrub oak vegetation (transplants and new plantings from acorns and other methods) and the creation of pitch pine habitat offsite in areas that are degraded in the Core Preservation Area to compensate for the loss of pitch pine habitat on the project site. The habitat mitigation ratio is three to one (i.e., three acres of habitat will be created for every one acre of habitat lost). The applicant has submitted a draft restoration plan that will be revised upon the issuance of a decision to incorporate the additional details necessary for a complete habitat restoration, monitoring and mitigation plan to the satisfaction and approval of the Commission.

Other Environmental Analyses

No adverse impacts were identified to land use, as the project site contains an existing substation.

No adverse impacts to air resources would occur as a result of the propose project.

The project site is not situated in an Agricultural District pursuant to the New York State Agricultural and Markets Law, nor does it contain agricultural resources. Therefore, no adverse impacts on agricultural land resources would be expected to occur as a result of the proposed project.

Scenic, Historic, and Cultural Resources

No adverse impacts to cultural resources were identified by SHPO, therefore, no adverse impacts would occur to historic or cultural resources as a result of the proposed project.

The project site is adjacent to Suffolk County parklands. However, the proposed project does not encroach on any County land or any land other than that which is owned by the project sponsor. The project site may be visible to passive recreational hikers who traverse trails on adjoining lands, however, the existing substation has been in existence on the project site for over 50 years, thus, the scenery by passive recreational users will continue with a minimal increase in the area covered by the substation after the proposed expansion occurs. No significant adverse impacts on open space and recreational resources would occur as a result of the proposed project.

The project site is situated in or adjacent to more than one designated Critical Environmental Area (e.g., Special Groundwater Protection area (Central Suffolk) CEA (Suffolk County), Pine Barrens Adjacent to County Center CEA (Suffolk County). However, the project site has

contained an existing substation for more than 50 years, during which time LIPA has owned and operated the existing substation on the project site. The project site became part of the Core in 1993 when the ECL Article 57 was adopted. Although the project site is situated in the Core Preservation Area, the total amount of clearing once the expansion occurs would not exceed the most restrictive clearing percentage for a site in the Compatible Growth Area (i.e., 20% in the 4-5 acre zoning district). Currently, the project site is approximately 15% cleared and developed with an existing substation. After the proposed expansion occurs, approximately 20% of the project site would be developed. The remainder of the site contains existing native pine barrens woodlands and wetland habitat. LIPA has indicated no additional development would be expected on the project site in the “planning horizon” (approximately 20 years). The restoration plan will provide measures to protect the areas that will be restored on and off site.

No significant change in the number of vehicle trips would occur or be generated by the proposed project on the project site. Therefore, no adverse impacts on transportation would be expected to occur.

The proposed project would be expected to result in potential beneficial impacts with regard to reliability of energy services. The applicant attests that increased reliability is the goal of the project, as well as supporting energy demand in the East End communities serviced by the Riverhead Substation to benefit public health and safety. The proposed project does not include additional transformers or energy capacity on the project site, only a reconfiguration and expansion of facilities to increase reliability of existing services. Therefore, no significant adverse impacts on energy resources would be expected as a result of the proposed project.

The expansion and reconfiguration of the substation is expected to increase reliable energy services to all users including, but not limited to, public facilities serviced by the substation such as hospitals and other patient care facilities and institutions.

No adverse impacts on growth and community character would be expected to occur as a result of the proposed project. LIPA has indicated that their forecasts include the build out of their service area as well as other projection data, and thus, the growth that occurs under the oversight of the municipalities serviced by this facility is not within LIPA’s control. It is recommended that LIPA coordinate with the service area to determine the full build out need of energy facilities in the region and minimize unexpected increased needs in the area as a result of such development.

For Further Information:

Contact Person: Raymond Corwin, Executive Director
Address: Central Pine Barrens Joint Planning and Policy Commission
P. O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739
Telephone Number: (631) 563-0385

LIPA RIVERHEAD SUBSTATION EXPANSION

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PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- Maybe** answers should be considered as **Yes** answers.
- If answering **Yes** to a question then check the appropriate box(column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1. Will the Proposed Action result in a physical change to NO YES

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts **- Expansion of pre-existing non conforming use. The project site is in the Open Space Conservation Zoning District, which does not permit the current use.**

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

- Clearing in the Central Pine Barrens Core Preservation Area

- Obtain any additional permits and/or approvals from other agencies, as applicable.
- Proposed mitigation plan restores degraded ecological communities on and off site in the Core Preservation Area and minimizes significant adverse impacts to the change in land use in the Core due to the expansion of substation infrastructure and removal of habitat.

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological) NO YES

- Specific land forms: _____

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IMPACT ON WATER

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts **Limits of disturbance are 10 feet from a Town regulated freshwater wetland.**

Limits of disturbance are 10 feet from a Town regulated freshwater wetland.

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts

5. Will Proposed Action affect surface or groundwater quality or quantity?

NO YES

Examples that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.

Existing transformers contain dielectric fluid. LIPA has implemented a Spill Prevention and Countermeasure Plan.

The Commission will also require secondary containment in any future transformer installations to be instituted by the filing of a Declaration of Covenant and Restriction.

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- Proposed Action would change flood water flows
- Proposed Action may cause substantial erosion.

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1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Temporary adverse erosion impacts as a result of the proposed project may occur to the existing wetland habitat approximately 10 feet from the clearing limits on the west side of the expansion area.	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Potential impacts will be avoided through the installation and maintenance of Best Management Practices during construction (e.g., erosion control barriers such as hay bales and silt fences).	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON AIR		
7. Will Proposed Action affect air quality?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
Examples that would apply to column 2		
• Proposed Action will induce 1,000 or more vehicle trips in any given hour.	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will allow an increase in the amount of land committed to industrial use.	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON PLANTS AND ANIMALS		
8. Will Proposed Action affect any threatened or endangered species?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
Examples that would apply to column 2		
• Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Will Proposed Action substantially affect non-threatened or non-endangered species?	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	
Examples that would apply to column 2		
• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts	The area of expansion on the project site contains a dense stand of scrub oak where the applicant has confirmed the presence and utilization of this area by a New York State species of special concern, the coastal barrens buck moth. LIPA has proposed habitat mitigation for the potential adverse impacts to buck moth habitat and other wildlife habitat including planting of scrub oak vegetation and pitch pine vegetation on disturbed portions of the project site and in disturbed areas of the pine barrens off site. Mitigation ratio is three to one (3:1) (i.e., creation of three acres of habitat for every one acre removed).	

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The proposed Mitigation Plan is expected to provide ecological benefits to pine barrens ecological communities. The Mitigation Plan will ensure survival of newly planted vegetation, which is a significant element of the Plan.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
10. Will Proposed Action affect agricultural land resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Examples that would apply to column 2			
• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Other impacts _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Examples that would apply to column 2			
• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Examples that would apply to column 2			
• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Examples that would apply to column 2			
• The permanent foreclosure of a future recreational opportunity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

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- A major reduction of an open space important to the community.
- Other impacts

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

Central Pine Barrens Core Preservation Area

Special Groundwater Protection Area (Central Suffolk) CEA
Pine Barrens Adjacent to County Center CEA (Suffolk County).

Examples that would apply to column 2

- Proposed Action to locate within the CEA?
- Proposed Action will result in a reduction in the quantity of the resource?
- Proposed Action will result in a reduction in the quality of the resource?
- Proposed Action will impact the use, function or enjoyment of the resource?
- Other impacts

The proposed project is in the Core Preservation Area and requires a Compelling Public need Waiver from the Central Pine Barrens Joint Planning and Policy Commission. The Waiver is at the discretion of the Commission. Mitigation measures include restoration of Core Preservation Area pine barrens habitat.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts

LIPA asserts the expansion is necessary to increase reliability of energy services and to meet the increased demand for resources due to growth and development of the East End Towns, which are served by this substation. Positive impacts associated with increased reliability of services are expected as a result of the proposed action.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

NOISE AND ODOR IMPACT

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17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

Examples that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts _____

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed Action will conflict with officially adopted plans or goals.
- Proposed Action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.)
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts _____

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

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1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes

Positive impacts are expected. In restoring degraded habitat and protection of the restored areas, the project is consistent with the goals for the protection of the Core Preservation Area of the Central Pine Barrens.

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or
If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

LIPA Riverhead Substation Expansion

Core Preservation Area Hardship Waiver based on Compelling Public Need

Town of Southampton, SCTM No. 900-135-2-2

November 19, 2008

EAF Part III - Evaluation of the Importance of Impacts

The following EAF Part III is based on the completed EAF Part II and serves to evaluate the importance of the impacts that were identified in the EAF Part II.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

The project site has been developed and maintained by LIPA for more than fifty years as an electrical substation.

The EAF Part II revealed potential significant adverse impacts would occur to wildlife habitat (non-endangered and threatened species), specifically buck moth habitat, and water resources. This assessment contains a more detailed discussion of the potential significant adverse impacts and proposed mitigation measures to minimize adverse impacts.

Impact on Plants and Animals

The proposed project would remove approximately 0.65 acres of scrub oak habitat, approximately 0.5 acres of pitch pine habitat, and 0.80 acres of meadow or successional old field. The direct adverse impacts to scrub oak and pitch pine habitat shall be mitigated by a habitat restoration and monitoring plan to create these types of habitats in areas that are degraded in the Core Preservation Area of the Central Pine Barrens, either on the project site or off site, depending on the ecological community being created. A three to one mitigation ratio will result in the creation of three acres of habitat created for every one acre removed, or fractions thereof.

Approximately 0.65 acres of scrub oak habitat would be permanently removed as a result of the proposed project. The probability of adverse impacts from the removal of scrub oak habitat is high because it contains habitat utilized by a New York State species of special concern, the coastal barrens buck moth. LIPA proposes to create scrub oak habitat on site, south of the substation, and off site in the LIPA right of way on the south side of Nugent Drive. This will provide a habitat corridor for the species. All areas to be restored with scrub oak habitat are currently degraded in terms of habitat quality.

Approximately 0.5 acres of pitch pine habitat would be removed to accommodate the expansion.

LIPA proposes to mitigate this impact by restoring pitch pine habitat off site in the Core, potentially in the dwarf pine plains. An area off site was chosen since the planting and restoration of pitch pine trees would potentially obstruct LIPA facilities on site (overhead transmission lines).

The impact of the removal of said habitat is long term, however, the proposed habitat restoration plan will result in a net benefit of habitats since no net loss of habitat will occur. Therefore, the proposed mitigation would be expected to minimize the significant adverse impacts of the removal of scrub oak habitat by restoring degraded habitat on the project site with scrub oak plantings to provide habitat for future buck moth utilization.

The permanent removal of pitch pine and scrub oak habitat is irreversible, as the existing habitat in the area of expansion will be permanently removed and permanently lost. However, the proposed mitigation measures to restore degraded habitat, as previously discussed, to provide scrub oak habitat for buck moth and other wildlife species use would be expected to mitigate this significant adverse impact. Moreover, the proposed mitigation results in a net benefit of habitat.

The habitat monitoring plan will include performance standards that will rate use of and success based on the establishment of habitat that is equal to the maturity of habitat removed. The Plan will also include measures to protect the restored habitat.

The project does not preserve existing pine barrens habitat, which is the goal for the Core Preservation Area, as per the Central Pine Barrens Comprehensive Land Use Plan. Thus, it results in the divergence from local needs and goals for this region. However, the public health and safety benefits as a result of the Compelling Public Need Waiver outweigh the potential adverse environmental impacts if the mitigation measures are completed. The Compelling Public Need Waiver serves an essential health or safety need. The public benefits from the proposed use are of a character that overrides the importance of the protection of the Core. The proposed use is expected to serve existing needs of the residents and customers of the area serviced by the Riverhead Substation by provided a redundancy in the energy system. The applicant has demonstrated that no feasible alternatives exist outside the Core to meet the established public need, that no better alternatives exist on other LIPA owned properties in or out of the Core to meet the established public need, and that no better alternatives exist within Suffolk County. LIPA provided an inventory of their properties within 10 miles, and it was determined that it is not feasible to require relocation of the existing substation to a site outside of the Core that could serve the same functions and meet their mandated objectives (service needs, location requirements, etc.).

The proposed project would not be materially detrimental or injurious to other property. The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of Article 57. The waiver is the minimum relief necessary. LIPA asserts that no additional expansions would occur on this project site for the foreseeable future (LIPA's 20 year planning horizon).

No known objections relate to this project.

Impact on Water

The proposed project would result in clearing that would occur approximately ten (10) feet from the limits of freshwater wetland habitat on site. This action may result in significant adverse impacts on this freshwater wetland habitat. Although no direct adverse impacts to the wetland habitat would be expected (i.e., removal or net loss of wetland habitat), the potential adverse impacts of construction activity and the placement of structures within the wetland buffer area may result in runoff and other impacts to this habitat. Potential mitigation would be to minimize encroachment into the wetland habitat during construction by the installation of a split rail fence on the boundary of the clearing limits.

The proposed action will alter surface drainage flow through a change in surface cover which may increase runoff and cause sedimentation of adjacent forested areas. This impact is considered a small to moderate impact that can be mitigated using accepted grading and drainage practices. Native plantings in the wetland buffer area and on the edge of clearing would be expected to minimize erosion impacts on this wetland.

Impact on Growth and Character of Community or Neighborhood

The proposed action with the purpose and intent of ECL Article 57 and with officially adopted plans or goals (Central Pine Barrens Comprehensive Land Use Plan). The Act and the CLUP recommends protection of the Core Preservation Area and the transfer of development outside of the Core, however, this project is a pre-existing nonconforming use that predates the adoption of the Pine Barrens Act. Article 57 does contain a hardship waiver provision, which is the path that the applicant has chosen, based on compelling public need. The balance of potential environmental impacts and goals of the applicant to be met must be reviewed as a Compelling Public Need Waiver, which is at the discretion of the Commission. The applicant has demonstrated compelling public need for the expansion and the need for the project outweighs the importance of the protection of the Core Preservation Area in the immediate project vicinity.

Additionally, review of 6 NYCRR Part 617.7(c)(1) revealed that the criteria that are considered as indicators of significant adverse impacts on the environment were not exceeded or were mitigated by the institution of a habitat restoration and monitoring plan that results in a net benefit of wildlife habitat on areas that are currently degraded on and off site.

The Commission finds that LIPA has demonstrated the project will serve an essential health and safety need because without the expanded substation, the reliability and capacity of the LIPA system will be compromised, which could jeopardize LIPA's ability to provide electricity to the five East End Towns including portions of the Central Pine Barrens.

LIPA has demonstrated that there is no feasible alternative outside the Core Preservation Area because the substation that serves the five East End Towns is located in the Core and was developed prior to the adoption of the Long Island Pine Barrens Protection Act of 1993.