

**Town of East Hampton
Long Island, NY**

106 Stephen Hands Path
Tax Map #: 0300-193-02-004
ACRE CALCULATED 8.927
Land Use Code: 721

**Resolution
RES-2022-551**

**License Agreement - Staging and Storage for Installation of the
Transmission Cable
By Deepwater Wind South Fork, LLC (South Fork Wind LLC)**

Information

Department:	Town Attorney	Sponsors:	Councilwoman Cate Rogers
Category:	Approvals	Functions:	Agreements (Contracts, Leases, Bids)

Body **Approximately 1,000 feet upstream from Georgica Pond.**

The proposed license to South Fork Wind to use Town-owned property at Stephen Hands Park is not included in the "previously authorized" Easement Agreement or Host Community Agreement.

WHEREAS, the Town Board previously authorized an easement and a Host Community Agreement with Deepwater Wind South Fork, LLC (Deepwater), now known as South Fork Wind, LLC (South Fork Wind), for their project to connect an offshore wind farm to the Long Island Power Authority (LIPA) sub-station at Cove Hollow Road, East Hampton, hereinafter, the "Project"; and

WHEREAS, South Fork Wind is in the process of obtaining sites for staging and storage in locations within the Town, and is in the process of amending their Environmental Management and Construction Plan to provide for the same; and

WHEREAS, South Fork Wind has requested the use of a portion of property at Stephen Hands Path which is already disturbed and cleared, and has been, and continues to be utilized by the New York State Department of Transportation (NYS DOT) as a highway yard, including salt storage; and

The "portions of the property" are not defined. The license agreement could be for up to 8 acres.

WHEREAS, the DOT has expressed a willingness to allow the temporary use of a portion of the property, and the Town Board is willing to enter into a license agreement with South Fork Wind to allow the use of portions of the property, subject to the approval of the NYS DOT, for purposes of storage of vehicles, construction materials and related equipment, together with the parking of employee vehicles, but not including the storage of any soils or water removed from the cable route; and

WHEREAS, the proposed license is an unlisted action under the State Environmental Quality Review Act (SEQRA) and an environmental assessment has been prepared for the Town Board with regard to the proposed license; now, therefore, be it

The Environmental Assessment Form (EAF) "prepared for the Town Board" has not been disclosed.

RESOLVED, that the Town Board hereby adopts a Negative Declaration pursuant to SEQRA with regard to the proposed license; and be it further

RESOLVED, that the Town Board hereby authorizes the license for use of a portion of Town property located at Stephen Hands Path, Wainscott (0300-193-02-004), subject to the approval of the NYS DOT, for purposes of storage of vehicles, construction materials and related equipment utilized for or in relation to the installation of the transmission cable for the South Fork Wind project, but not including the storage of any water or soil removed from the cable route; and be it further

Soil and groundwater *only* "from the cable route" has been excluded.

RESOLVED, that such license shall commence upon full execution of the license, and continue until December 31, 2023 with an option to extend for an additional six (6) month period upon the same terms; and be it further

RESOLVED, that South Fork Wind shall pay the sum of \$1.00 per sq. ft., per annum for such license, commencing upon execution of the license, and continuing until such use ceases and all materials and equipment are removed from the site; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute a License Agreement, subject to the approval of the Town Attorney, to allow South Fork Wind to utilize the portions of the above property, subject to the approval of the NYS DOT, as indicated by a representative of the same.

The resolution excludes soil and groundwater *only* "from the cable route," but remains silent on the whether the site will be used for storing and treating soil and groundwater containing PFAS contamination from the Interconnection Facility.

Why conceal the License Agreement? We do not know what is in the agreement.

Why conceal the Environmental Assessment Form (EAF)? We do not know what how the Town Board arrived at its SEQRA negative declaration. Submitting false information in an EAF is not without precedent.

In 2019, Supervisor Van Scoyoc signed an EAF for the proposed Shellfish Hatchery and Nursery (at 36 Gann Road). The 2019 EAF contradicted an EAF he signed a year earlier for the same site (see Shellfish Hatchery EAF, attached). New York State chose not to fund the project.

NB: The writing in red has been added by Si Kinsella and is not part of the Town Board Resolution.

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Apr 21, 2022 11:00 AM

East Hampton Town Board (draft)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Cate Rogers, Councilwoman

SECONDER: Kathee Burke-Gonzalez, Councilwoman

AYES: Kathee Burke-Gonzalez, Sylvia Overby, Cate Rogers, Peter Van Scoyoc

ABSENT: David Lys