



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

ADOPTED

RESOLUTION 2022-551

Meeting: 04/21/22 11:00 AM

Department: Town Attorney

Category: Approvals

Prepared By: John Jilnicki

Initiator: John Jilnicki

Sponsors: Councilwoman Cate Rogers

DOC ID: 27674 A

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

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

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

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

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.

| | |
|------------------|---|
| 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 |

Short Environmental Assessment Form

Part 1 - Project Information

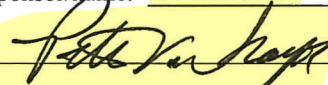
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

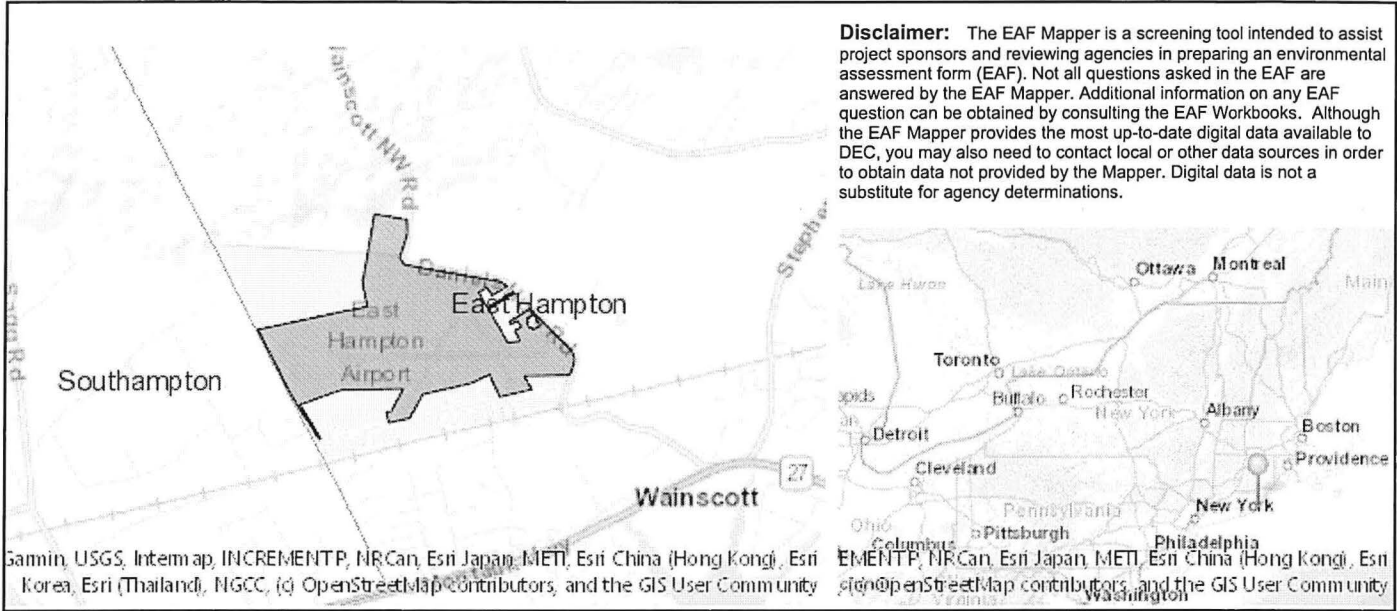
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| | | | |
|---|--|--------------|--|
| Part 1 – Project and Sponsor Information | | | |
| Name of Action or Project: South Fork Wind Temporary Equipment Staging | | | |
| Project Location (describe, and attach a location map): 173 Daniel's Hole Road, Wainscott NY | | | |
| Brief Description of Proposed Action: To utilize a roughly 1.5 acre space of mowed field adjacent to a runway of the East Hampton Airport as a staging/parking area for vehicles, equipment and construction materials | | | |
| Name of Applicant or Sponsor: South Fork Wind | | Telephone: | |
| Address: 524 Montauk Highway | | E-Mail: | |
| City/PO: Amagansett | | State: NY | Zip Code: 11930 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYS DOT, FAA, NYS DEC | | | YES <input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? _____ 1.5 acres b. Total acreage to be physically disturbed? _____ 1.5 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ ~400 acres | | | |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: | | | |
| 5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland | | | |

| <p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p> | <p>Is handling excavated material that potentially contains hazardous waste permitted under current zoning regulations? (Si Kinsella, May 1, 2022)</p> <table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> <th>N/A</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table> | NO | YES | N/A | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|---|-------------------------------------|-----|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| NO | YES | N/A | | | | | | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | | |
| <p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? Is the predominant character of "roughly 1.5 acre space of mowed field" (Pine Barren Atlantic Meadow?) consistent with "a staging/ parking area for vehicles, equipment and construction materials" (Si Kinsella, May 1, 2022)</p> | <table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table> | NO | YES | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | |
| NO | YES | | | | | | | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | | | |
| <p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:Aquifer Overlay District, Name:SGPA, Name:Water Recharge, Reason:Preserve pure water quality, If Yes, identify: Reason:Protect groundwater, Reason:Protect groundwater & drinking water, Agency:Southampton, Town of, Agency:Long Isla...</p> | <table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table> | NO | YES | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | |
| NO | YES | | | | | | | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | | | |
| <p>8. Is "30 trucks per day" considered substantial? (Si Kinsella, May 1, 2022)</p> <p>a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p> | <table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table> | NO | YES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| NO | YES | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | |
| <p>9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p> | <table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table> | NO | YES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | |
| NO | YES | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | |
| <p>10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____</p> <p>_____</p> | <table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table> | NO | YES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | |
| NO | YES | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | |
| <p>11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____</p> <p>_____</p> | <table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table> | NO | YES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | |
| NO | YES | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | |
| <p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p> | <table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table> | NO | YES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | |
| NO | YES | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | | | |
| <p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p> | <table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table> | NO | YES | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | |
| NO | YES | | | | | | | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | |

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| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Northern Long-eared Bat | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <ul style="list-style-type: none"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: EH Airport | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor/name: South Fork Wind Date: 04/21/2022 | | |
| Signature:  Title: | | |

PRINT FORM



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|---|--|
| Part 1 / Question 7 [Critical Environmental Area] | Yes |
| Part 1 / Question 7 [Critical Environmental Area - Identify] | Name:Aquifer Overlay District, Name:SGPA, Name:Water Recharge, Reason:Preserve pure water quality, Reason:Protect groundwater, Reason:Protect groundwater & drinking water, Agency:Southampton, Town of, Agency:Long Island Regional Planning, Agency:East Hampton, Date:6-20-84, Date:3-19-93, Date:2-12-88 |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No |
| Part 1 / Question 12b [Archeological Sites] | Yes |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal] | Yes |
| Part 1 / Question 15 [Threatened or Endangered Animal - Name] | Northern Long-eared Bat |
| Part 1 / Question 16 [100 Year Flood Plain] | No |
| Part 1 / Question 20 [Remediation Site] | Yes |

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| Project: | South Fork Wind Temporary Equipment Staging |
| Date: | 04/21/2022 |

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

| | No, or small impact may occur | Moderate to large impact may occur |
|--|-------------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: | | |
| a. public / private water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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| Project: | South Fork Wind |
| Date: | 04/21/2022 |

Short Environmental Assessment Form Part 3 Determination of Significance

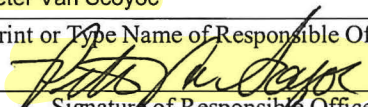
For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

To utilize a roughly 1.5 acre space of mowed field adjacent to a runway of the East Hampton Airport as a staging/parking area for vehicles, equipment and construction materials associated with the installation of electrical cabling from an offshore wind farm to an existing electrical substation on Cove Hollow Road. The use of this area is proposed to be temporary and conclude along with or around the time of the completion of this larger action.

The subject parcel is situated at 173 Daniel's Hole Road in Wainscott (SCTM#300-180-1-8.13) Some areas of the Airport represent grassland habitat unique to East Hampton and the South Fork. As these areas are large in size (>51 acres), regularly mowed to inhibit forest succession, and relatively free from deer grazing, their maintenance and conservation as prime habitat for grassland plant species has been a goal of the Town. Surveys of plant species have been conducted in the past and have identified NYS Threatened species such as eastern showy aster (*Eurybia spectabilis*), along with trailing bush-cover (*Lespedeza repens*) and little lady's tresses (*Spiranthes turberosa*).

The proposed action would utilize a portion of the existing open areas around the Airport runway. The adjacent runway has been closed for a number of years. A portion of the runway has been utilized by PSEG for hurricane and disaster relief equipment staging. The area which is the subject of South Fork Wind's proposal has also historically been used for storage of various equipment and materials such as snow plows, mowers and wood chippers for the Airport as well and is almost entirely disturbed. The proposed project is not anticipated to adversely impact any areas of naturally-occurring grasslands or any species identified as being of concern by the New York State Department of Environmental Conservation (NYSDEC).

For the reasons listed above, the East Hampton Town Board does not find the potential for significant adverse impacts and in accordance hereby makes a negative declaration pursuant to SEQRA and Chapter 128 of the Town Code.

| | |
|---|--|
| <input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. | |
| <input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. | |
| East Hampton Town Board _____ Name of Lead Agency | _____ Date |
| Peter Van Scoyoc _____ Print or Type Name of Responsible Officer in Lead Agency | Town Supervisor _____ Title of Responsible Officer |
|  _____ Signature of Responsible Officer in Lead Agency | _____ Signature of Preparer (if different from Responsible Officer) |

PRINT FORM