

A. INTRODUCTION

The federal Coastal Zone Management (CZM) Act of 1972 was established to support and protect the nation's coastal areas and sets forth policies for managing the use of coastal areas. The policies are intended to address local, state, and federal concerns about the deterioration and inappropriate use of waterfront space. As shown in Figure 5-1, a portion of the Direct Route Alternative is within the New York State Coastal Zone.

In 1982, New York State adopted its CZM program, which is designed to balance economic development and preservation. It promotes waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space, scenic public vistas, and public access to the shoreline. In addition, the policies are intended to minimize adverse impacts to ecological systems and to ameliorate erosion and flood hazards. The New York State program provides for local implementation when a municipality adopts a local waterfront revitalization program (LWRP). A LWRP is a refinement of the state's coastal policies, developed jointly by the state and a municipality.

The Town of Southampton and the Village of Southampton do not have approved LWRPs. The Town prepared a draft LWRP in the late 1980s but it was not made final. Therefore, the State policies are relevant to the project's coastal assessment, as discussed below.

The CZM program encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. The New York State Department of State (NYSDOS) administers this program at the State level.

The Direct Route Alternative also considers the Village underground option. This option is not located within the coastal zone.

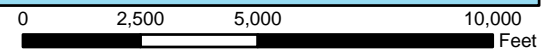
B. COASTAL ZONE CONSISTENCY ANALYSIS

The implementation of CZM is effectuated, in part, through federal and state consistency provisions that require direct federal agency activities or federal funding, or authorized actions consistent with the CZM. State agency actions along the state's coastal area are required to be consistent with the state's coastal policies. The state's coastal policies and consistency review requirements are outlined in Article 42 of the Executive Law, 19 NYCRR Part 600 and 6 NYCRR Part 617; federal consistency regulations are found at 15 CFR Part 930.

Article 42 of the Executive Law states that one of the policies of the state is to assure the consistency of state actions and, where appropriate, federal actions, with state coastal policies and approved LWRPs. Land development and related activities in New York's coastal area involving a state agency's direct action or funding, or requiring state permits for actions involving an EIS under State Environmental Quality Review Act (SEQRA), must be consistent

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with the coastal area policies in Article 42 and 19 NYCRR Part 600.5, or an approved LWRP. Pursuant to Article 42, NYSDOS monitors and advises State agencies regarding the consistency of their actions with the State CZM, State coastal policies, and approved LWRPs.

No State agency involved in an action shall carry out, fund, or approve an action until the agency has complied with the provisions of Article 42 of the Executive Law and its implementing regulations contained in 19 NYCRR Part 600.

For State agency actions, whether a State agency is a lead or an involved agency, if a positive declaration has been made and an EIS is required pursuant to SEQRA, the draft EIS must contain an identification of the applicable state coastal policies and a discussion of the consistency of the Direct Route Alternative with such policies. For this proposed project, because (1) a portion of the Direct Route Alternative, see Figure 5-1, is located within the coastal zone, (2) a positive declaration was made by the lead agency, and (3) an EIS is required, a coastal consistency review is provided below. SEQRA regulations provide that no State agency shall make a final decision on the action until it has made a written finding that it is consistent with the coastal policies set forth in 19 NYCRR Part 600.5.

The proposed transmission line would be consistent with the policies of the New York State Coastal Management Program. A Coastal Assessment Form demonstrating compliance with the State coastal management program is attached as Appendix C of this EIS. A summary of the proposed facility compliance with the coastal program by policy is provided below.

METHODOLOGY

The Direct Route Alternative was evaluated for each of the 44 policies in the State's WRP in addition to the applicable coastal policies set forth in 19 NYCRR Part 600.5. Many of the policies apply in a generic way and are not site specific. Provided below is an analysis of the proposed LIPA project and its consistency with the applicable State CZM policies. The responses to each policy are indented.

C. NEW YORK STATE COASTAL ZONE MANAGEMENT POLICIES

Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

The proposed new transmission line would generally be located inland along existing roadways. In addition, the expanded transmission switching station at the existing Bridgehampton Substation would be located inland, away from waterfront areas. Therefore, this policy does not apply to this project.

Policy 2: Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

The Direct Route Alternative would be located inland away from the waterfront and not located along the shorefront. Therefore, this policy does not apply.

Policy 3: Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.

This policy does not apply. There are no major ports located on Long Island.

Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with a unique identity.

This policy does not directly apply; however, the Direct Route Alternative would further the development of the port capabilities by assuring a reliable supply of energy resources for other industrial and/or commercial uses. Expansion of port-related activities would therefore not be constrained by the availability of electrical power.

Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate.

The project is an expansion and improvement of existing electric infrastructure to meet expected future demand. While the electric service is currently adequate, absent this project, in the future the South Fork system could experience thermal overloads and potential collapse. The new transmission line and expansion of the Bridgehampton Substation would allow LIPA to meet future energy demands. The Direct Route Alternative would achieve this objective of adequate public services and would be consistent with this policy.

Policy 6: Expedite existing permit procedures to facilitate the siting of development activities at suitable locations.

It is expected that any work that is close to a wetland would be accomplished in accordance with the terms of the General Wetlands Permit that KeySpan, the expected construction manager, has with New York State Department of Environmental Conservation. This General Permit expedites the permitting procedures and is consistent with this policy.

Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

The Direct Route Alternative would have no effect on the viability of significant coastal fish and wildlife habitats.

Policy 8: Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants that bioaccumulate in the food chain or cause significant sublethal or lethal effects on those resources.

The Direct Route Alternative would not result in the release of any hazardous wastes or other pollutants into the coastal area. The Direct Route Alternative would be consistent with this policy.

Policy 9: Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.

This policy does not apply. The Direct Route Alternative would not affect recreational fish and wildlife resources.

Policy 10: Further develop commercial finfish, shellfish, and crustacean resources in the coastal areas by encouraging the construction or improvement of existing onshore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding agriculture facilities.

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This policy does not apply. The Direct Route Alternative would not develop commercial fishing facilities. In addition, the project would not adversely impact finfish, shellfish, or crustacean resources, including those that may be commercially caught or harvested outside the project area. However, the Direct Route Alternative would ensure reliable electric power to the East End, which includes the commercial fishing ports.

Policy 11: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

The Direct Route Alternative would be consistent with this policy. The Direct Route Alternative would replace existing distribution poles in place. In addition, the new transmission substation would be sited on the same parcel as the existing substation. Further, only a small portion of the route, in the vicinity of the intersection of Lower Seven Pond Road and Head of Pond Road, is located within a flood zone (see Figure 5-2). The poles would not be adversely affected by a flood, and the poles would not exacerbate the flooding. The Direct Route Alternative would not be located in an erosion hazard area, nor would it involve or affect any flood or erosion control structures.

Policy 12: Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features, including beaches, dunes, barrier islands and bluffs.

This policy is not applicable. The Direct Route Alternative would not impact natural protective features, including beaches, dunes, barrier islands, and bluffs.

Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least 30 years, as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

This policy does not apply. The construction or reconstruction of erosion protection structures is not proposed.

Policy 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development at other locations.

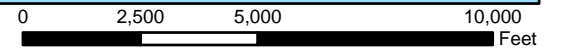
This policy does not apply. The Direct Route Alternative would not include the construction or reconstruction of erosion protection structures.

Policy 15: Mining, excavation, or dredging in coastal waters shall not significantly interfere with the natural coastal processes that supply beach materials to land adjacent to such waters and shall be undertaken in a manner that will not cause an increase in erosion of such lands.

This policy does not apply. No mining, excavation, or dredging is proposed that would affect beach materials.

Policy 16: Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs, including the potential for increasing erosion and adverse effects on natural protective features.

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This policy does not apply. The Direct Route Alternative would not include the construction or reconstruction of erosion protection structures.

Policy 17: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

This policy does not apply. The Direct Route Alternative would not include the construction of flood prevention or erosion protection measures.

Policy 18: To safeguard the vital interests of the State of New York and of its citizens regarding resources of the State's coastal area, all practicable steps shall be taken to ensure that such interests are accorded full consideration in the deliberations, decisions, and actions of State and Federal bodies with authority over those waters and resources.

As discussed in this EIS, the Direct Route Alternative would not have any significant adverse impacts related to natural resources or water related issues. The conditions in KeySpan's General Wetlands Permit would be followed, which ensures that the interests of New York State are considered. If necessary, other applicable permits would be obtained from the appropriate governmental entities. Therefore, the Direct Route Alternative would be consistent with this policy.

Policy 19: Protect, maintain, and increase the level and types of access to water-related recreation resources.

This policy does not apply. The Direct Route Alternative would not affect the level or types of access to water-related recreation resources. Access to local recreation areas along the shore would not be impacted.

Policy 20: Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

The Direct Route Alternative would be located on existing roadways. In addition, the route and new transmission substation would not be located on the water's edge. Therefore, this policy is not applicable.

Policy 21: Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

This policy is not applicable to the Direct Route Alternative. The proposed transmission line would be located along existing roadways where a existing distribution lines are located. Also, the expanded switching station would be sited on the same parcel as the existing substation. The existing and proposed facilities would not interfere with any existing water-dependent uses or preclude the development of future water dependent, water-related, or recreational uses along the waterfront.

Policy 22: Development when located adjacent to the shore will provide for water-related recreation activities whenever such recreational use is appropriate, in light of reasonably anticipated demand for such activities and the primary purpose of the development.

The Direct Route Alternative is not located along the waterfront and, therefore, is not appropriate for water-related recreation. This policy does not apply.

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Policy 23: Protect, enhance, and restore structures, districts, areas, or sites that are of significance in the history, architecture, archaeology, or culture of the State, its communities, or the nation.

The Direct Route Alternative would not adversely affect any structures, site, or districts of historical, architectural, archaeological, or cultural significance. The Direct Route Alternative has been analyzed for impacts to historic and archaeological resources (see Chapter 7, “Archaeological Resources” and Chapter 8, “Historic Resources”) and visual impacts to these resources (see Chapter 6, “Visual Resources”). The Direct Route Alternative would be, therefore, consistent with this policy.

Policy 24: Prevent impairment of scenic resources of Statewide significance.

The proposed facility is not located in the vicinity of any designated Scenic Area of Statewide Significance. Therefore, this policy does not apply.

Policy 25: Protect, restore, and enhance natural and manmade resources that are not identified as being of Statewide significance, but which contribute to the overall scenic quality of the coastal area.

As described in the visual character analysis for the site (see Chapter 6, “Visual Resources”), the Direct Route Alternative would be visible or potentially visible at a limited number of visual resources and would not result in significant adverse impacts on visual character. Therefore, the Direct Route Alternative would be consistent with this policy.

Policy 26: Conserve and protect agricultural lands in the State’s coastal area.

Because the new transmission line would be installed along the same route where an existing distribution line is present along existing roadways, it is not expected that the Direct Route Alternative would significantly impact agricultural lands within the vicinity of the Direct Route Alternative, regardless of the configuration selected. Further, if the proposed line is overhead within agricultural areas, the poles would be about 22 inches in diameter at the base and would not conflict with farmland operations.

Policy 27: Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility’s need for a shorefront location.

This policy is not applicable. The Direct Route Alternative is not a major energy facility. In addition, the new transmission line would be placed along existing roadways and the new substation would be located on the same parcel as the existing substation, which are not located directly along the shorefront.

Policy 28: Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.

The Direct Route Alternative would not involve ice management practices. This policy is not applicable.

Policy 29: Encourage the development of energy resources on the outer continental shelf (OCS) and in other water bodies, and ensure the environmental safety of such activities.

The Direct Route Alternative would not involve the development of energy resources on the OCS or in other water bodies. This policy is not applicable.

Policy 30: Municipal, industrial, and commercial discharge of pollutants, including, but not limited to, toxic and hazardous substances, into coastal waters, will conform to State and National water quality standards.

The proposed facilities would not result in the release of any pollutants and would not discharge any wastewater into coastal waters. The Direct Route Alternative, therefore, would be consistent with this policy.

Policy 31: State coastal area policies and management objectives of approved LWRPs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already over-burdened with contaminants will be recognized as being a development constraint.

This policy is not applicable. The Direct Route Alternative would not involve the review of water quality standards or coastal water classifications. Further, the Town of Southampton and Village of Southampton do not have an approved LWRP.

Policy 32: Encourage the use of alternative or innovative sanitary waste systems in smaller communities where the cost of conventional facilities is unreasonably high, given the size of the existing tax base for these communities.

This policy is not applicable because the Direct Route Alternative would not generate any sanitary sewage flow.

Policy 33: Best management practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.

The Direct Route Alternative would not involve discharges to coastal waters. The Direct Route Alternative would add about 23,000 square feet of impervious area associated with the access road and equipment pads at the substation expansion, and would not impede the existing stormwater flow. In addition, the Direct Route Alternative would not contribute any additional pollutants to stormwater. The Direct Route Alternative would be, therefore, consistent with this policy.

Policy 34: Discharge of waste material into coastal waters from vessels under the State's jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas, and water supply areas.

The Direct Route Alternative would not involve the discharge of waste materials from vessels. This policy is not applicable.

Policy 35: Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements and protects significant fish and wildlife habitats, aesthetic resources, natural protective features, important agricultural lands, and wetlands.

This policy does not apply. No dredging or disposal of dredged materials is proposed as part of this project.

Policy 36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal

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waters: all practicable efforts will be undertaken to expedite the cleanup of such discharges and restitution for damages will be required when these spills occur.

The Direct Route Alternative would not involve shipment or storage of petroleum or other hazardous materials. This policy is not applicable.

Policy 37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics, and eroded soils into coastal waters.

The Direct Route Alternative would not involve the discharge of non-point source pollutants or excess nutrients, organics, and eroded soils into coastal waters. This policy is not applicable.

Policy 38: The quality and quantity of surface water and groundwater supplies will be conserved and protected particularly where such waters constitute the primary or sole source of water supply.

The Direct Route Alternative is located over the Long Island aquifer system, a federally designated sole source aquifer. Further, a large portion of the proposed route is located within the South Fork Special Groundwater Protection Area. However, the Direct Route Alternative would not involve the use or degradation of surface water or groundwater (see Chapter 9, "Natural Resources" and Chapter 12, "Groundwater and Surface Water Resources"). Therefore, the Direct Route Alternative would be consistent with this policy.

Policy 39: The transport, storage, treatment, and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands, and scenic resources.

The Direct Route Alternative would not involve the transport, storage, treatment, or disposal of solid wastes. This policy is not applicable.

Policy 40: Effluent discharged from major steam, electric generating, and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and will conform to State water quality standards.

No effluent discharge is associated with the Direct Route Alternative. This policy is not applicable.

Policy 41: Land use or development in the coastal area will not cause National or State air quality standards to be violated.

The Direct Route Alternative is consistent with this policy. As described in Chapter 13, "Traffic, Air Quality, and Noise" the new transmission line and substation expansion would have no air emissions and would not cause any violations of national or New York State ambient air quality standards.

Policy 42: Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

The Direct Route Alternative would not cause reclassification of land areas to prevent significant deterioration of air quality. This policy is not applicable.

Policy 43: Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.

The Direct Route Alternative would not emit acid rain precursors: nitrates, or sulfates. This policy is not applicable.

Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

The Direct Route Alternative would not be located in any tidal or freshwater wetlands, see Chapter 9, "Natural Resources," but at certain points, would be located within 100 feet of a wetland. KeySpan has a General Wetlands Permit that regulates utility activities within areas adjacent to and within wetlands. Restrictions in the General Wetlands Permit are designed to prevent degradation of wetlands. This General Wetlands Permit would apply to the work that may occur within regulated areas. *