

MEETING OF: May 21, 2013

RESOLUTION NO. 2013-317-A1

MOVED BY COUNCILMEMBER: CONSTANCE KEPERT

REVISION

SHORT TITLE: AMENDED SEQRA NEGATIVE DECLARATION – DREDGING OF UPPER AND LOWER YAPHANK LAKES FOR CONTROL OF AQUATIC INVASIVE SPECIES

DEPARTMENT: Law *Location*

REASON: To adopt an Amended Seqra Negative Declaration

PUBLIC HEARING REQUIRED: No

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED:

SEQRA REQUIRED:

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED:

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Fiore-Rosenfeld					
		Councilmember Bonner					
		Councilmember Walsh					
		Councilmember Kepert					
		Councilmember Mazzei					
		Councilmember Panico					
		Supervisor Romaine					

RESOLUTION NO. 2013-317-A1
MEETING OF: March 12, 2013

**SEQRA NEGATIVE DECLARATION –
DREDGING OF UPPER AND LOWER
YAPHANK LAKES FOR CONTROL OF
AQUATIC INVASIVE SPECIES**

WHEREAS, the Town Board is presently considering the dredging of Upper and Lower Yaphank Lakes for control of aquatic invasive species Yaphank, NY, in the Town of Brookhaven, in the County of Suffolk, New York, SCTM # 0200-579-03-01; 0200-611-03-16; 0200-637-02-5.1, pursuant to the Feasibility Study to Eradicate Aquatic Invasive/Nuisance Species in Canaan Lake, North Patchogue and Upper and Lower Lakes, Yaphank, dated April, 2011; and

WHEREAS, a New York State Department of Environmental Conservation (NYSDEC) permit is required for such action for the protection of aquatic wildlife; and

WHEREAS, the NYSDEC requires that the Town Board issue a SEQRA determination for such action; and

WHEREAS, the Division of Environmental Protection has completed an Environmental Assessment Form with respect to said proposed action, and has submitted same and recommendations to this Town Board for its consideration and review;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Brookhaven that based upon the Town Board's examination of the Environmental Assessment Form and recommendations, and the appropriate criteria for determination of significance, the proposed action is a Type I which will not have a "significant impact" on the environment, and, therefore, no Environmental Impact Statement need be prepared, and be it further

RESOLVED that this resolution constitutes a "negative declaration" pursuant to SEQRA and that this Board's Findings and Notice of this determination (as set forth in the notice of determination attached hereto) shall be filed to the extent required by the State Environmental Quality Review Act or as deemed necessary by this Town Board.



**Town of Brookhaven
Town Board
One Independence Hill
Farmingville, New York 11738
(631) 451-8696**

REVISED SEQR NEGATIVE DECLARATION

Determination of Significance and Notice of Intent to Not Require an Environmental Impact Statement

Lead Agency: Town of Brookhaven Town Board

Address: One Independence Hill
Farmingville, NY 11738

Date: May 21, 2013

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (New York State Environmental Quality Review – SEQR) of the Environmental Conservation Law.

The lead agency has determined that the proposed action described below will not have a significant adverse effect on the environment and that an Environmental Impact Statement (EIS) need not be prepared.

Title of Action: Dredging of Upper and Lower Lakes for Control of Aquatic Invasive Species
Yaphank, NY including Alternative Dewatering Location and Lake Dredging
Sequence Clarification

SEQR Status: Type I Action according to 6 NYCRR §617.4(6)(i)

Location: Upper and Lower Lakes are located in the hamlet of Yaphank, Town of Brookhaven, Suffolk County, New York. Upper lake is located on the north side of Mill Road, west of Yaphank-Middle Island Road (C.R. 21) and east of the German-American Settlement. Lower Lake is located on the west side of Yaphank Avenue (C.R. 21), north of Long Island Avenue and south of Main Street (C.R. 21). Upland dewatering is proposed at a former sand mine north of East Main Street, and the project includes routing of conveyance pipes overland between the lakes and the dewatering locations.

*SCTM Number
of Lakes:* 0200-579-03-01; 0200-611-03-16; 0200-637-02-5.1

*Description of
Action:* The proposed action involves the funding, the issuance of the necessary permits, and all necessary actions for the Town of Brookhaven to undertake the dredging of the soft organic sediments from Upper and Lower Lakes in Yaphank for the purpose of removing invasive vegetation and any seed mass. The lands underwater in both Upper Lake and Lower Lake where dredging will take place are owned by the Town of

Revised SEQRA Negative Declaration
Dredging of Upper and Lower Lakes for the Control of Aquatic Invasive Species
Yaphank, NY

Brookhaven. Upper Lake is approximately 19.70 acres in size of which approximately 13.42 acres is proposed to be dredged, while Lower Lake is approximately 26.26 acres in size of which approximately 23.86 acres will be dredged.

The project involves use of a hydraulic dredge that will access both lakes from roads crossing the dams at the outlet side of each lake. Contractors have the option of using a dredge with a draft of up to 5 feet, and dredge pipe of up to 16 inches in diameter. The larger dredge is needed due to the distance to, and elevation of, the dewatering location which is distant from the lakes as will be described below. This size dredge would also have the advantage of being able to remove plant material as part of the dredging process. With the anticipated use of a 5-foot draft/16-inch dredge, the majority of soft sediment will be removed from both lakes, and some limited areas of hard sediment will be removed as a result of the proposed bottom contours of the lakes to allow access for the 5 foot draft equipment. A small area of Upper Lake and the upper reaches of Lower Lake would not be able to be dredged without significant changes in the hard bottom depth of the lakes. As a result, these areas will be subject to further work as a later phase after the major initial dredging is completed. It is anticipated that follow up work will be needed to remove rhizomes, remove limited areas of soft sediment and remove any remaining or re-established invasive plants near the edges or within the lakes as will be described below.

Based on soundings conducted by the Town in 2007, Upper Lake contains approximately 58,800 cubic yards (CY) and Lower Lake contains approximately 53,500 CY of soft sediment (total 112,200 CY). The proposed project includes the removal of this soft sediment, and some hard sediment as a result of the depth limitations of the necessary equipment. Dredge bottom contours were created to estimate the expected volume of material to be dredged with the 5-foot draft/16-inch dredge needed to pump material to the currently identified dewatering location. Contours are strategically designed to maximize removal of soft sediment and minimize removal of hard sediment, resulting in 63,200 CY of material that will be removed from Upper Lake and 50,000 CY of material from Lower Lake (total 113,300 CY)¹. The dredge volume for Lower Lake is smaller than the soft sediment volume as the upper reaches of the lake do not provide sufficient depth for dredge access (5-foot draft).

Final quantities of dredge material will be determined through updated surveys before and after the selected dredging contractor completes the work. Dredging will occur within those accessible areas of each lake identified as containing aquatic invasive plants, and will not occur within 10 feet of the shoreline of each lake. Dredging will occur during a window of time prescribed by the New York State Department of Environmental Conservation (NYSDEC) for protection of reptiles, amphibians and aquatic fish species during spawning periods; dredging will be permitted only between June 1 and October 31. Dredge material will be piped to several properties comprising a former sand mine located north of East Main Street, Yaphank and corresponding to SCTM Nos: 0200-613-01-20.1 (10.04 acres), 0200-614-01-1.5 (28.34 acres), and 0200-614-01-1.4 (15.83 acres).

¹ All dredged material quantities are estimates based on the 2007 soundings data collected by the Town.

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Reasons Supporting This Determination:

1. The proposed action has been evaluated in accordance with the Criteria for Determining Significance as contained in SEQRA 6NYCRR Part 617.7 (c), and has been evaluated through review of the following materials:
 - Environmental Assessment Forms (EAF), Parts 1 and 2;
 - Expanded Environmental Assessment Form, dated February 19, 2013;
 - Supplement to Expanded EAF, dated May 17, 2013
 - Feasibility Study to Eradicate Aquatic Invasive/Nuisance Species in Canaan Lake, North Patchogue and Upper and Lower Lakes, Yaphank, dated April 2011; and
 - Independent review by Town Board members.
2. The proposed action is not expected to cause any significant adverse environmental impacts based on project design and mitigation inherent in the action as described herein. Measures which are incorporated into the design of the proposed project are summarized below:
 - Lake dredging will occur within the “blue line” area on permit plans which correspond to areas of invasive plants.
 - The proposed project involves dredging only; no herbicides will be used as part of this project.
 - No dredging will occur within 10 feet of the shoreline or in areas where soft bottom sediments are less than 1 foot in depth.
 - A hydraulic dredge will be used, such that the intake of sediment and water will reduce turbidity as compared with mechanical dredging methods.
 - A turbidity curtain will be used to contain suspended sediment in the area where dredging will occur.
 - Dredging will only occur only between June 1 and October 31.
 - Upper Lake will be dredged first so that any downstream lake deposition of plant or sediment matter will be removed during dredging of Lower Lake.
 - A 1” minus screen grate will be installed at the spillway to each lake during dredging and/or harvesting. The screen grate will be checked and cleaned at a frequency appropriate for the observed conditions regarding accumulation of plant material.
 - The area ¼ mile downstream of Lower Lake will be checked for release of plant material during dredging of Lower Lake.
 - If additional protection is needed as a result of observations of turbidity or release of plant material, a second turbidity curtain will be installed between the dredge and the lake outlet.
 - The selected dredging contractor will be responsible for submitting to the Town and NYSDEC an approvable protocol for monitoring the pipe connections to ensure that there are no leaks or blowouts during dredging. The protocol must be submitted and approved by the Town and NYSDEC before dredging commences.
 - The dewatering area will provide a means for settling of suspended solids so that non-turbid water will be returned to Lower Lake and discharged at least 50 feet upstream of the spillway.
 - Booster pumps locations will be selected along the pipe conveyance route, such that they will not impact natural or human environments.
 - Any booster pump wells in excess of 45 gpm, will obtain a NYSDEC private well permit.
 - Road crossings needed for conveyance pipe will be achieved by temporary pavement sawcuts to place pipe below road grade under backfill; roads would be backfilled, compacted and

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resurfaced after completion of the project. Appropriate temporary traffic diversion methods will be employed by the contractor at the time of placement and removal of the conveyance pipe.

- Dredging will occur up to 12-hours per day, 6-days per week; an abbreviated schedule may be instituted if warranted.
- If streamflow into Upper Lake is less than 7,000 gpm, the pumping schedule will be reduced to 8-hours per day, 5-days per week. An alternative option to allow the dredge contractor to maintain the full daily pumping schedule, would be to return the dewatering liquid from the dewatering site to an Upper Lake discharge at least 50 feet upstream of the spillway.
- The contractor will review and conform with the applicable requirements of the Brookhaven Noise Control Ordinance, Chapter 50 in the location and operation of equipment.
- All areas of activity (i.e., dredge launch, lake access, staging and parking, conveyance pipe routes and the dewatering location) have been selected such that they involve paved, compacted, open and groundcover stable locations in order to minimize disturbance to natural vegetation.
- Property owner permission will be secured for all use of private lands.
- Erosion control measures in the form of a silt fence will be employed on the downslope side of the dewatering area dyke.
- Any vegetation disturbed during the course of the project will be restored after the project is complete. The dewatering site will be rough graded to pre-existing conditions after removal of dewatered dredged material.

3. The Criteria for Determining Significance are specifically evaluated as follows with respect to this action:

- a. The project will not cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; increase in solid waste production; a substantial increase in erosion, flooding, leaching or drainage problems. The project involves dredging of sediments using a hydraulic dredge with dewatering of sediments in an industrial area with no nearby receptors. Surface water quality will be protected through turbidity control and testing of sediments to determine their chemical characteristics finding that water quality will not be impaired. Dewatering liquid tests find that leaching of dewatering liquid will not adversely impact groundwater resources. Water quantity will be ensured through monitoring of river flow and implementation of a modified pumping schedule if streamflow is below the dredge withdrawal quantity. Traffic will be controlled through temporary diversion of lake access points. Any transport of dewatered sediments will involve truck traffic along major roads with limited transport distance between the dewatering site and the Town landfill. Noise will be controlled through placement of equipment, operation during normal daytime hours, and conformance with the Town noise ordinance. The project will generate solid waste, but this can be used as daily cover material at the Brookhaven landfill or other beneficial use subject to agency permits. Erosion will be controlled through use of disturbed areas for lake access, conveyance pipes and related activity, and any damage to groundcover vegetation will be restored. The nature of the project will not cause flooding, leaching or drainage problems.
- b. The project will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impact to natural resources. The project does involve removal of invasive plants to restore the lakes to natural conditions. Dredging will occur only during the

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NYSDEC defined window of June 1 through October 31 to avoid potential impacts to spawning fish, turtle and amphibian populations. While wildlife species may utilize the lakes during the dredging window, it is expected these species will avoid the areas actively being dredged due to the localized disturbance. Despite this, incidental loss of fish and wildlife species may occur as a result of the proposed dredging; however, this loss will be small and is not anticipated to impact fish and wildlife populations. In addition, dredging of the lakes will only be temporary (estimated to be completed during one season) and as such, no long term negative impacts are anticipated to fish and wildlife. In fact, it is anticipated that fish and wildlife will ultimately benefit from the proposed project as dredging will improve the habitat within the lakes. No other significant habitat or species impacts are expected based on project design and location and no adverse impacts to threatened or endangered species have been identified.

- c. The project is not expected to cause impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g), due to the fact that the planned project involves habitat restoration and lake enhancement.
- d. The project is not expected to cause a material conflict with a community's current plans or goals as officially approved or adopted. The community supports the project and the project is consistent with the referenced Feasibility Study as well as goals of the community to improve lake conditions.
- e. The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. There are no known archaeological or historical resources on the site. The lake restoration will improve aesthetics and visual resources of the lakes which are now infested with invasive plants.
- f. The project will not cause a major change in the use of either the quantity or type of energy. Energy will be used for the operation of equipment involved in removing organic sediments from the lakes, but a major change in the use of such energy is not expected.
- g. The project is not expected to cause a hazard to human health. Sediment and water quality samples demonstrate the acceptability of the material for dewatering, liquid recharge and disposal at the Town landfill or other beneficial use as approved by permitting agencies.
- h. The project will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. In fact, the project is not a land use project, it involves temporary activity in two lakes necessary to remove invasive aquatic vegetation.
- i. The project will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action. The project will attract employees of the dredging contractor; however, limited personnel are required over a limited period of time and no significant impacts are expected.
- j. The project will not create a material demand for other actions that would result in one of the above consequences given the nature of the project as described herein.
- k. The project will not cause changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a

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substantial adverse impact on the environment. This is a focused project to remove invasive aquatic plants from two lakes in conformance with a feasibility study and goals of the community.

1. The project is not related to any other action which may be undertaken, funded or approved by an agency, such that it does not have a significant impact on the environment on it's own, but when considered cumulatively would meet one or more of the criteria. There are no other projects proposed in proximity to the site such that cumulative impacts would occur.
4. In contrast, some impacts of the proposed action are intentional on the part of the project sponsor (the Town Board of the Town of Brookhaven), and are beneficial in nature. These include:
 - a. The proposed project will result in the removal of 63,200 CY of material from Upper Lake and 50,000 CY of material from Lower Lake (total 113,300 CY). The majority of this will consists of accumulated soft sediment. Generally, both lakes will deepen and as a result, a reduction in plant matter will occur, further resulting in a reduction of sediment accumulation as the plant matter contributes to trapping and creation of soft sediments. As such, the proposed project will benefit the lakes as the lakes will be returned to a state which is closer to their natural conditions. This will result in a beneficial impact to both lakes.
 - b. Removal of the invasive plants is anticipated to improve the aesthetics of the lakes by returning the lakes to their more natural conditions of clearer, open water. The improvement of the lake aesthetics is also anticipated to improve the recreational value of the lakes as the desirability to utilize the lakes will increase.
5. The alternative dewatering area and clarification of the sequence of dredging have been evaluated in a Supplement to the Expanded EAF, dated May 17, 2013. This area is located north of East Main Street, Yaphank. The Supplement to the Expanded EAF examines the potential environmental impacts associated within the use of this area and finds that no significant adverse environmental impacts are anticipated. On balance, the alternative dewatering location has similar impacts to that of the original dewatering site. Potential impacts are essentially the same for both locations with respect to water quality (similar impacts to lakes, acceptable groundwater recharge quality), visual/aesthetics with respect to the dewatering location (not visible, separated by setback and topography from surrounding uses) and noise/odors (lack of receptors, lack of expected odors). Potential impacts are slightly decreased with respect to soils (use of a former mine with existing side slope areas), ecology (less upland disturbance/activity). Potential impacts are slightly increased with respect to visual/aesthetics of the pipe alignment (location of pipe in right-of-ways, visibility in proximity to several residences, businesses, a post office and a church in an area with historic character) and transportation (temporary truck traffic along East Main Street to remove dredged material after drying). The change in impacts are not considered significant. In addition, the activity is temporary, of short duration and not permanent. There is also an over-riding benefit to the Yaphank community that involves the restoration of the lakes to improve water quality, visual/aesthetic quality and recreational usage. As a result, the opinion offered in this assessment is that the alternative dewatering location and the clarification of the sequence of dredging will not result in significant adverse environmental impacts.

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6. The Town Board finds that the documentation prepared is complete in addressing potential adverse environmental impacts related to the proposed action and no significant adverse environmental impacts have been identified. As a result, a Negative Declaration is determined to be appropriate for this Proposed Action.

Lead Agency: Town Board of the Town of Brookhaven

Technical Review Contact: Thomas Carrano/Anthony Graves
Dept. of Planning, Environment & Land Management
One Independence Hill
Farmingville, New York 11738
Phone: (631) 451-6455

Copies Sent to and Maintained by: Patricia Eddington, Brookhaven Town Clerk
Town Board of the Town of Brookhaven
One Independence Hill
Farmingville, New York 11738

THIS DETERMINATION IS NOT COMPLETE UNTIL AUTHORIZED AS FOLLOWS:

ADOPTED BY RESOLUTION ON:

PATRICIA EDDINGTON, TOWN CLERK:



Supplement to the

EXPANDED ENVIRONMENTAL ASSESSMENT FORM (EAF)

**Dredging of Upper and Lower Lakes for Control of Aquatic Invasive Species
Yaphank, NY**

State Environmental Quality Review Act (SEQRA)

Prepared for: Brookhaven Town Board
Town of Brookhaven
One Independence Hill
Farmingville, New York 11738

Prepared by: Nelson, Pope & Voorhis, LLC
572 Walt Whitman Road
Melville, New York 11747

Date: May 20, 2013

Introduction

This document provides a Supplement to the Expanded EAF dated February 19, 2013. Changes have occurred to the proposed project that must be reflected in updated SEQRA documents. The overall project is unchanged and involves the funding, issuance of necessary permits and all necessary actions for the Town of Brookhaven to undertake the dredging of the soft organic sediments from the bottom of Upper Lake and Lower Lakes in Yaphank. The purpose of the project is to remove invasive aquatic vegetation that dominates the lakes and impacts the environmental characteristics and aesthetic conditions of these water bodies. The full project description is contained in the February 19th EEAF.

Soft bottom sediments are proposed to be removed from the lakes with a hydraulic dredge and pumped to an upland dewatering area where it would dry for 6-9 months after which it would either be trucked to the Brookhaven Landfill or re-used for soil enrichment or other approved re-use option under a Beneficial Use Determination (BUD) issued by the New York State Department of Environmental Conservation (NYSDEC).

The dewatering location identified in the prior SEQRA documents was the Brookhaven Rail Terminal (BRT) site at the southeast corner of the Long Island Expressway and Sills Road (CR 101). Since that time, an alternative location has been identified. This document will address the potential environmental impacts of the change in the dewatering location, and will address a project clarification regarding the sequence of dredging of Upper and Lower Lakes.



Proposed Project Changes

The alternative dewatering site is located north of East Main Street, Yaphank and is more particularly described based on the following Suffolk County Tax Map (SCTM) numbers and acreages:

0200-613-01-20.1 (10.04 acres)

0200-614-01-1.5 (28.34 acres)

0200-614-01-1.4 (15.83 acres)

Note: Parcel sizes not surveyed; acreages are per SCTM records.

This alternative dewatering site is the location of a former sand and gravel mine. The parcels have been cleared and do not contain natural vegetation. Side slopes of the mined area form closed contours on multiple sides of the former mine. Less than 1 foot of soil would be used from the mine floor to create berms on the open sides of the former excavated area to create a dewatering/containment area. Dredged material would be placed within the containment area, allowed to dewater for 6-9 months, after which it would be removed and trucked to the Brookhaven Landfill in the same manner as described in the February 19th EEAF. Also similar to the prior proposal, if approved through a BUD by the NYSDEC, material may potentially be re-used for a beneficial purpose, also consistent with the January 28th narrative. Once material is removed, the berm material would be regraded over the former containment area to restore original grade and site conditions consistent with the intent for the original dewatering location.

The alternative dewatering location requires a change in the sediment conveyance and water return pipe route. The alternative location would involve temporary placement of piping down the Carmans River from Upper Lake to Lower Lake, then down the length of Lower Lake. The original narrative envisioned a pipe connection down the Carmans River to Camp Olympia and pipe was going to traverse this area as part of the dredging of the upper part of Lower Lake, therefore, the extension of the conveyance pipe through Lower Lake was envisioned and provides a logical route to move dredged material east toward the upland dewatering location.

Once at the Lower Lake dam, the pipe would cross Yaphank Avenue and run north within the road right-of-way, then east along the right-of-way on the south side of East Main Street. Along the south side of East Main Street, the temporary pipe installation would allow for access at the one (1) driveway located on the south side of East Main Street. There is a former dirt road and compacted trails on the south side of SCTM No. 0200-614-01-1.5. The pipe would cross East Main Street and run north into the dewatering area using existing cleared driveways or trails on the south side of this parcel. Elbows or flex pipe would be used for directional changes along the pipe route.

A dewatering liquid return pipe would travel the reverse route as described above back to a discharge location at least 50 feet upstream of the Lower Lake spillway and all other provisions would conform to the January 28th narrative. **Attachment A** provides an illustration of the general dredge pipe route and dewatering area.



The updated proposed project also includes a clarification regarding the sequence of dredging between the lakes. The February 19th EEAF indicates that “It is proposed that Upper Lake be dredged first so that any release of plant material downstream (not expected), will be removed during the dredging of Lower Lake.” The project is most efficient and least disruptive to the community and the environment, if completed in one (1) season. The volume of material to be moved during the dredging window of June 1 through October 31 may require that two (2) dredges operate simultaneously in both lakes. In order to conform with the intent that Lower Lake be dredged after Upper Lake, clarification is provided that the deeper part of Lower Lake, nearest the spillway be dredged as a final step to occur at least 72 hours after cessation of dredging in Upper Lake.

Supplemental Assessment of Potential Impacts

All other aspects of the project remain the same as assessed in the February 19, 2013 EEAF. Consequently, the assessment of potential impacts remains the same for those aspects of the project that are unchanged. It was concluded by the Town Board of the Town of Brookhaven as lead agency, that the overall project would not have a significant adverse environmental impact, resulting in the issuance of a Negative Declaration. The environmental significance of changes in the proposed project are addressed herein as a supplement to the prior assessment and to provide a basis for issuance of a Revised Determination of Significance. The categories of discussion addressed in the prior EEAF included the following:

- Topography and Soils
- Water Resources
- Ecology
- Visual, Aesthetics, Noise & Odors
- Transportation

These categories are used as a basis for the updated assessment based on the changes in the proposed project.

Topography and Soils

The proposed dewatering location is dominated by sandy well drained soils as evidence by the conditions of the mine floor, the side slopes of the excavated area and the fact that the mineral resource, sand, was extracted from the mine as a resource. The topography of the mine floor is flat, and the side slopes of the mine form closed topographic contours on roughly three sides of the mine floor area proposed to be used for dewatering. The elevation of the mine floor is in the range of 50 feet, and slopes up to an elevation of 130 feet to the north, 60-70 feet to the west and 120 feet to the east. The south part of the proposed dewatering property is at an elevation of 40-50 feet, which is comparable to the elevation along East Main Street in the vicinity of the site. The mine floor area is sufficient in area to accommodate the dewatering site and the area is devoid of natural vegetation as a result of its alteration during mining activities.



The proposed project would involve the scraping of less than one (1) foot of soil from the mine floor for use in creation of a berm on the south side of the mine to create a containment area. This involves substantially less disturbance and operation of equipment than what was envisioned on the BRT site. The site is already cleared and grubbed, which also involves much less disturbance of soils than what was proposed on the BRT site. The soils are suitable and will allow some leaching of dewatering liquid, which was determined by the NYSDEC to be acceptable in terms of groundwater quality and lack of potential impacts to Class GA waters.

The area of proposed dewatering has been subject to past soils and topographic disturbance and therefore is not sensitive such changes. The area will be used on a temporary basis for dewatering and drying, after which material will be removed to the Brookhaven Landfill or used under a BUD. Once material is removed, the site will be re-graded to restore original conditions. Consequently, there are no significant adverse impacts expected with regard to soils or topography as a result of the change in the dewatering location.

Water Resources

The East Main Street dewatering location is in Groundwater Management Zone III, which is a deep recharge area, where the BRT site was located in Groundwater Management Zone VI, a shallow flow zone which contributes to water quality of south shore bays. Both are important aquifers and both have the same density allowance for development under Article 6 of the Suffolk County Sanitary Code (i.e., sanitary waste discharge of 300 gallons per day or less).

The February 19th EEAF included documentation regarding a “pilot” test of dewatering liquid that was conducted to determine the chemical concentration of target analytes in the liquid. The liquid was determined to be acceptable for groundwater discharge. This would apply to the alternative dewatering site, as well as the original dewatering location, therefore, there is no change with respect to potential impacts from dewatering liquid recharge. In addition, the depth to groundwater at the alternative dewatering site is approximately 15 feet, which is similar to the BRT site. This provides an unsaturated zone above groundwater for further attenuation, and separation between recharge location and groundwater.

The proposed dredging operation is intended to be conducted in a manner that will not cause turbidity in the lakes or result in the downstream transport of vegetation fragments. The safeguards identified in the original SEQRA documents included, use of turbidity curtains around the dredging operation, addition of an additional turbidity curtain between the dredging and the spillway, installation of a screen grate at the spillway of each lake, and observations for accumulation of vegetation on the screen grate. The prior EEAF noted that Lower Lake would be dredged after Upper Lake so that any material swept downstream from Upper Lake would be removed when Lower Lake was dredged. The clarification that the deeper part of Lower Lake, nearest the spillway be dredged as a final step to occur at least 72 hours after cessation of dredging in Upper Lake allows activity to occur in both lakes simultaneously, but also provides protection that a period of time will lapse before the final dredging occurs in Lower Lake. Given the other safeguards as noted above, and the time lapse before final dredging, this clarification is not expected to result in a significant change



in water quality. As a result, no significant water quality impacts are expected to groundwater or surface water as a result of the change in the proposed project as identified in this Supplement.

Ecology

The alternative dewatering location is not a significant ecological resource. The subject location was cleared of vegetation in connection with past mining activities. Any limited vegetation that has established is invasive or insignificant. Most areas are barren soil and devoid of vegetation.

The site is located in the Central Pine Barrens Compatible Growth Area. Review of Article 57 and the Central Pine Barrens Comprehensive Land Use Plan finds that “ecological restoration” activities are not defined as development, and as a result, no authorization is needed from the Central Pine Barrens Joint Planning & Policy Commission (“the Commission”) or the Town of Brookhaven under the Town’s Central Pine Barrens zoning district. This was confirmed through contact with the Commission staff, and there is precedent for this confirmation as related to an ecological restoration project that occurred along the Peconic River.

It is noted that the alternative dewatering location involves placement of dredged material conveyance pipe down part of the Carmans River between Upper and Lower Lake and along the length of Lower Lake from Upper Lake in order to access the upland conveyance pipe located in the road right-of-way that leads to the dewatering site north of East Main Street. This is a minor change in the project as the BRT location also required placement of the conveyance pipe from both Upper Lake and Lower Lake, within the Carmans River to access the dirt roads in Camp Olympia. As a result, there is no change in potential ecological impacts from this alternative dewatering location. The alternative dewatering location will involve slightly less upland disturbance as piping does not have to be routed through Camp Olympia, the Brookhaven Country Day School site, or the Suffolk County farmlands and farm access tunnel under the LIE. This represents a minor reduction in temporary ecological impacts as a result of disturbance in these upland locations.

The proposed use of the East Main Street location for a dewatering site is a temporary use; after dewatering and drying, the material will be removed from the site either to the landfill, or re-used under a BUD. Once complete, the location will be restored to pre-existing conditions. Given the status of the site as a former sand mine, the lack of natural vegetation and ecological resources, and the intent to restore the site to pre-existing conditions after temporary use for dewatering, there are no adverse ecological impact expected as a result of the change in the dewatering location.

Visual, Aesthetics, Noise & Odors

The proposed dewatering location was the site of a mine which involved the use of heavy equipment for extraction, processing and transport of mineral resources. The eastern part of the dewatering location is currently used for processing of land clearing debris and involves the operation of heavy equipment for transport, processing (grinding) and removal of processed wood. As a result, the area is accustomed to such activity occurring on the site.



The proposed alternative dewatering location is appropriately situated to avoid visual, aesthetic, noise and odor impacts. The site is not visible from East Main Street as it is setback approximately 800 feet north of this road and there is intervening natural vegetation screening. The dewatering location was mined and therefore is at a lower elevation than most of the surrounding properties, particularly the north, west and east. In effect, due to the topography of the site and area, the side slopes of the mine create a barrier between the dewatering area and surrounding lands. Inventory of the area finds that there are no residential uses within approximately 1,000 feet of the proposed dewatering area. There is an equestrian use west of the dewatering area; however, the >250 foot horizontal separation, >15 foot vertical separation and intervening woods are expected to provide an adequate setback to minimize any potential impacts from the temporary use of the dewatering site.

The use of the road right-of-ways along Yaphank Avenue and East Main Street involves temporary placement of dredge pipe at grade within the right-of-ways within an area that contributes historic character to the Yaphank community. This will represent a temporary visual change in character as a result of the visibility of pipe in these areas. In addition, equipment and manpower will be used to assemble and run the pipe. The temporary nature of the placement of pipe in these locations is expected to be a minor impact of short term duration that will not be a permanent condition. As with the original pipe alignment, the length of pipe will be routinely monitored to ensure the integrity of the continuous pipe run between Lower Lake and the dewatering site.

Noise may occur as a result of berm creation, pipe placement and removal, and management of the dewatering site during dredging operations. Activities may occur between 7:00 AM and 7:00 PM, Monday through Saturday. Given the lack of receptors near the activity areas, the intermittent nature of activity, the temporary time period during which activity will occur, and the existing/prior level of use of the site absent the dewatering operations, no significant adverse noise impacts are expected.

Review of literature regarding dredging operations suggests that the dredged material is not prone to generate significant odors. Empirical data noted during the "pilot" sampling of lake sediments over time found no significant odors from the material that was subject to this testing as reported in the February 19th EEAF. The lack of evidence of odors from such material and the setback between the site and receptors would suggest that no significant adverse impacts are expected as a result of odors.

The overall project is intended to improve the visual and aesthetic conditions of the lakes. The project is therefore beneficial in restoring the lakes, and no significant adverse visual, aesthetic, noise or odor impacts have been identified in connection with the change in the dewatering location.

Transportation

The proposed project involves temporary location of dredged material conveyance pip within road right-of-ways to access the dewatering area and to provide a return pipe for dewatering liquid back to Lower Lake. The distance from Upper Lake to the East Main Street



dewatering area is nearly the same as the distance to the BRT site. The potential number of road crossings is reduced as a result of the alternative location as it was proposed that Long Island Avenue would be traversed in three locations to access the BRT site, and the East Main Street site only requires crossings at Yaphank Avenue and East Main Street. The contractor has indicated that the crossings will be directionally drilled beneath the road where possible. If not possible, the pipe will be installed by saw cutting the asphalt, and pavement restoration will be provided according to appropriate highway specifications. In either case, traffic would need to be temporarily diverted or managed through lane-sharing. The East Main Street crossing area is expected to experience less traffic volume than the Long Island Avenue alignment. Mitigation for both pipe routes reduces potential transportation impacts.

The East Main Street dewatering site has less driveway crossings as well, with only one dirt driveway to a religious use along the south side of East Main Street. The dirt driveway crossing installation simplifies the pipe burial and restoration, and the church is used intermittently as compared to a home that would involve more continuous use. As a result, the impact of transportation access to private uses is reduced as a result of the East Main Street site.

From a transportation standpoint, the actual dredging will involve very few vehicle trips on the roadways surrounding the lakes. The change in the dewatering site to East Main Street is not significantly different in terms of road activity as compared with the BRT site which involved some activity during installation and pipe removal along Gerard Road and Long Island Avenue. The removal of dredged material will involve truck trips along East Main Street, west to Yaphank Avenue, then south to Horseblock Road to the Brookhaven Landfill. Yaphank Avenue south of Main Street does not significantly affect residential areas as there are primarily public lands and government uses along Yaphank Avenue. There are several homes, businesses, a Post Office and a church along the segment of East Main Street between Yaphank Avenue and the dewatering site. Truck traffic along these roads will cause minor temporary impact during transport of material from the dewatering site to the Brookhaven Landfill. It is noted that the dewatering area is the site of a former mine that involved continuous truck traffic over the course of many years as the mineral resources were extracted from the mine. It is also noted that there are solid waste facility and land clearing debris process facilities located on properties which include the subject site as well as other lands proximate to the dewatering site. These uses also contribute truck traffic to the roads. The area is accustomed to some level of truck traffic. Trucks required for removal of dredged material will operate on a temporary basis over a limited period of time to remove the dried material from the dewatering location. This represents a temporary inconvenience and minor impact to the several residences, businesses, government and religious use that are located in this area.

Summary and Conclusion

In summary and on balance, the alternative dewatering location has similar impacts to that of the original dewatering location. Potential impacts are essentially the same for both locations with respect to water quality (similar impacts to lakes, acceptable groundwater recharge quality), visual/aesthetics with respect to the dewatering location (not visible, separated by setback and topography from surrounding uses) and noise/odors (lack of receptors, lack of expected odors).



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Yaphank, New York**

Potential impacts are slightly decreased with respect to soils (use of a former mine with existing side slope areas), ecology (less upland disturbance/activity). Potential impacts are slightly increased with respect to visual/aesthetics of the pipe alignment (location of pipe in right-of-ways, visibility in proximity to several residences, businesses, a post office and a church in an area with historic character) and transportation (temporary truck traffic along East Main Street to remove dredged material after drying). The change in impacts are not considered significant. In addition, the activity is temporary, of short duration and not permanent. There is also an overriding benefit to the Yaphank community that involves the restoration of the lakes to improve water quality, visual/aesthetic quality and recreational usage. As a result, the opinion offered in this assessment is that the alternative dewatering location and the clarification of the sequence of dredging will not result in significant adverse environmental impacts. If the Town Board as lead agency is in agreement, it is appropriate to adopt a revised Negative Declaration that references this assessment and demonstrates that a "hard look" has been taken and no significant adverse environmental impacts identified with respect to the project changes. All aspects of the overall project and original assessment and SEQRA determination are the same as previously proposed.



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Yaphank, New York**

Attachment A Alternative Dewatering Area Plan



Resolution Submission Form

Resolution No.: 2013-317-A1

Councilmember: D-4

Originated By: Gina Guccione, Law

Title: AMENDED SEQRA NEGATIVE DECLARATION - DREDGING OF UPPER AND LOWER YAPHANK LAKES FOR CONTROL OF AQUATIC INVASIVE SPECIES

Subject:

Purpose:

To adopt amended SEQRA Negative Declaration

History/Misc. Information:

Fiscal Impact:

No Fiscal Impact

Account Number:

Property Info:

ATTACHMENTS:

Name:

Description:

Type:

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