

**RESOLUTION NO. 96 -2015, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED NORTHEAST BRANCH NISSEQUOGUE RIVER RESTORATION PROJECT, TOWN OF SMITHTOWN AND THE VILLAGE OF THE BRANCH**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) reviewed a project designated as the "Proposed Northeast Branch Nissequogue River Restoration Project, Town of Smithtown and the Village of the Branch", pursuant to Local Law No. 22-1985, which project involves streambed restoration and silt removal along a portion of the Nissequogue River located in the Town of Smithtown and in the Village of the Branch; the proposed project also includes the removal and replacement of two culverts with modern, higher capacity culverts; and

**WHEREAS**, the proposed streambed restoration work is similar in nature to two previous phases of work that were completed by the Town of Smithtown on an adjacent segment of the Nissequogue River; and

**WHEREAS**, the proposed action is intended to improve stream conditions and flow through this segment of the Nissequogue River and reduce flooding in areas adjacent to the River; and

**WHEREAS**, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Public Works and a presentation was made by a representative from H2M, and subsequently sent out to all concerned parties; and

**WHEREAS**, at its January 21, 2015 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

**WHEREAS**, the CEQ recommended that the above activity be considered an Unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated January 30, 2015 of said recommendations; and

**WHEREAS**, Section 450-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

**WHEREAS**, the Suffolk County Legislature has reviewed the EAF and the CEQ recommendations; now, therefore, be it

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Northeast Branch Nissequogue River Restoration Project, Town of Smithtown and the Village of the Branch constitutes an Unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the Suffolk County Code, and the proposed project will not have significant adverse impacts on the environment for the following reasons:

- 1) the proposed action will not exceed any of the criteria set forth in Title 6 NYCRR, Part 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2) Suffolk County has received a permit from the New York State Department of Environmental Conservation for the proposed action;
- 3) the removed sediments will be properly transported and disposed of at an approved landfill facility;
- 4) the proposed streambed restoration work will be similar in nature to the two previous phases of work on adjacent segments of the Nissequogue River which were completed by the Town of Smithtown and did not have any significant adverse impacts on the environment; and
- 5) the proposed action will improve stream conditions and flow through this segment of the Nissequogue River;

and be it further

**2nd RESOLVED**, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with the CEQ; and be it further

**3rd RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: March 3, 2015

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: March 17, 2015