

The New Environmental Assessment Forms

Westchester Municipal Planning Federation
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New Forms

- Short EAF
- Long EAF
- Effective Oct 7, 2013

Draft Workbook

- A guide to filling out the forms
- Available on DEC website later this year

EAF Workbooks

- Workbook is intended to:
 - guide sponsors in preparing Part 1
 - Guide lead agency in reviewing Parts 2 & 3
- Workbooks provide links to spatial data (e.g., maps) and other sources of information for use in preparing forms
- Workbook also makes generous use of examples



Goals of Part 617 Changes

- Improve and streamline the SEQR process without sacrificing meaningful environmental protection.
- Changes are modest in nature and not intended to change the basic structure of an environmental review.
- Build on the changes made to the EA forms
- Within the authority of DEC to implement.



Proposals

- Add more Type II items
- Tighten language about adequacy
- More targeted EISs through mandatory scoping; create a better link between positive declarations and scopes
- More certain time frame for completion of EIS



More Proposals

- Adjust some Type I thresholds for subdivisions and actions effecting historic resources.
- Make SEQR fee process more transparent.
- Use SEQR to encourage smart growth and green infrastructure.



Type II Actions

- The regulations shall include...actions which have been determined not to have a significant effect on the environment ...The Commissioner shall make a finding that each identified action does not have a significant effect on the environment. ECL 8-0113(a)(2)(c)(ii)



Additions to the Type II List

- T2s to encourage Smart growth (in municipal centers).
- Minor subdivisions.
- All area variances/lot line adjustments.
- Cellular antennas on existing structures.
- County planning agency recommendations.



Other Additions to Type II List

- Certain transfers of land from government for (e.g., to Habitat for Humanity for one, two or three family housing.
- Reuse of commercial and residential structures not requiring a change in zoning or use variance.



Type II Continued

- Modify replacement in-kind T2 to allow for green infrastructure and solar energy retrofits without violating in-kind standard.
- Installation of solar energy arrays on existing structures.
- Brownfield site clean-up agreements.



Possible Changes to the Type I List

- Reduce # of units for subdivisions that trigger Type I
 - e.g., 250 to 200 units in a city, town or village with a population under 150,000 and 1000 to 500 units in a city, town or village with a population between 150,000 and 1,000,000.



More Possible Changes to the Type I List

- Reduce threshold for parking to trigger T1 action.
- Add “exceeds 25 percent of any threshold ” to modify T1 trigger for actions occurring within or substantially contiguous to historic districts and sites.
 - Brings it in-line with other T1s for agriculture, parkland and open space.



Scoping

- Require scoping for all EISs
 - Seeking public input early helps to insure that issues are brought out before EIS is prepared.
 - Provides opportunity for targeted EISs.
 - Proposal received almost unanimous support in stakeholder meetings.



Encouraging “Targeted EISs”

- Proposed language would reinforce the notion that issues raised after the final scope cannot be the basis for rejection of the draft EIS.
- Adequacy review must be based on the written list of deficiencies.



Timeframes

- SEQR timeframes are directory not mandatory. DEC is considering default timeframe to complete the FEIS from acceptance of the DEIS, e.g., 6 months.
 - If exceed, record is closed and agencies can make decisions



Miscellaneous

- Require lead agency to provide an estimate of SEQR Fee & invoices
- Encourage e-submission of EISs to DEC rather than paper filings
- Some new definitions, e.g., green infrastructure and municipal center.



Updates on the Rulemaking

- Check the Environmental Notice Bulletin at <http://www.dec.ny.gov/enb/enb.html>
- Projects Page:
<http://www.dec.ny.gov/permits/6061.html>

