

State Environmental Quality Review (SEQR) Basics

Westchester Municipal Planning Federation
Land Use Training Institute

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State Environmental Quality Revue Act (*SEQR*)

Purpose:

*to integrate environmental considerations into approval process;
and
to balance economic, social and environmental considerations*

SEQR (6-NYCRR, Part 617)

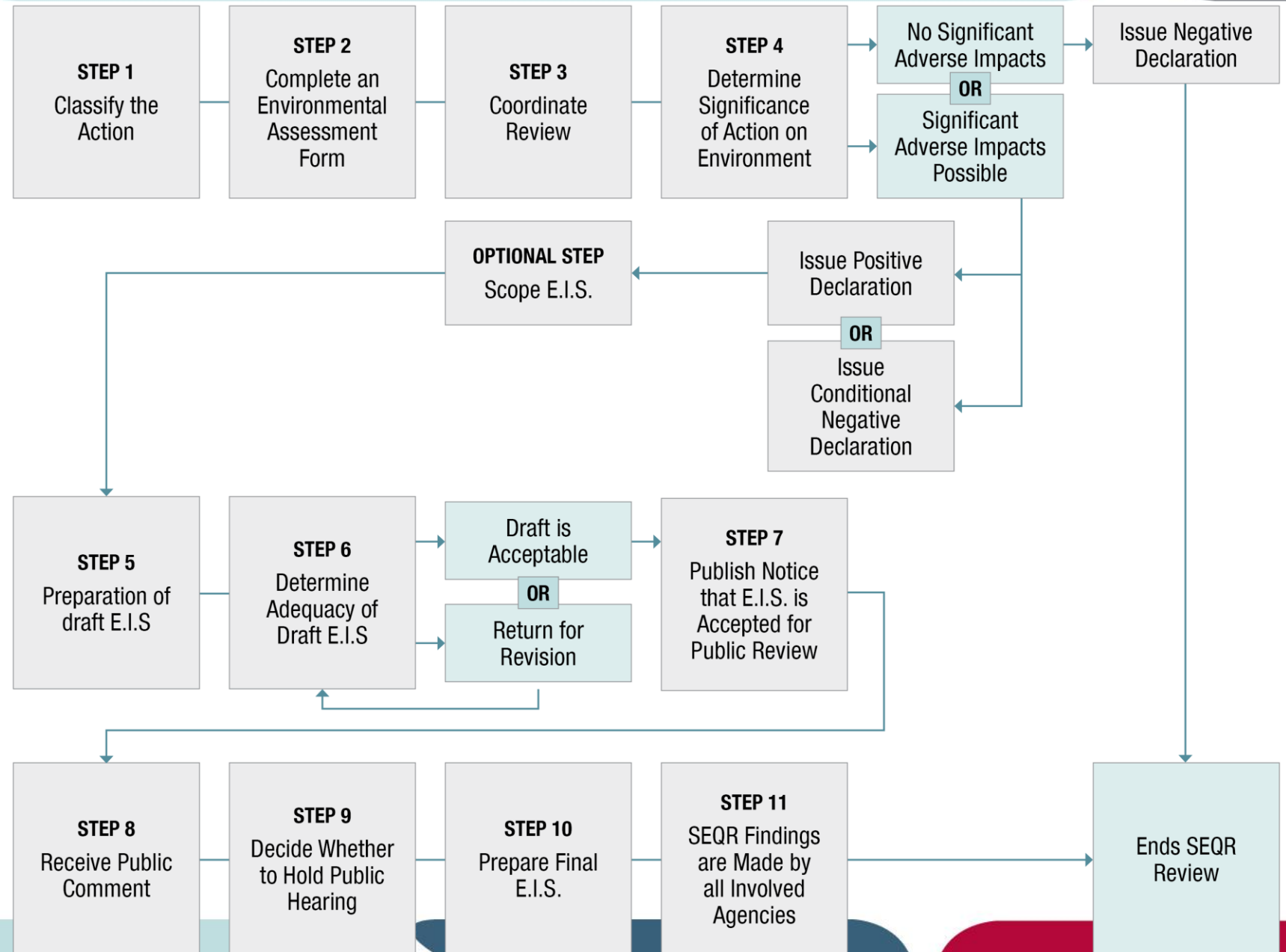
- SEQR is triggered when there is a discretionary decision
- Must be considered before final decision can be made
- Bring environmental factors into an agency's decision making process at the earliest point possible

Law of the land since 1975...

- Revised in 1995
- 2012: New Environmental Assessment Forms (EAF)
 - EAF workbooks with GIS data base connected
- 2017: Proposed Amendments to SEQR regulations

SEQR Process

Source: NYSDEC



1. Classify the Action

As soon as an Agency receives an application for approval, determine whether it is subject to SEQR:

- Type I Action
 - More likely to require an EIS
 - Thresholds listed (guideline)
- Type II Action
 - Determined not to have a significant impact on the environment or otherwise precluded
- Unlisted Action

2. Environmental Assessment Form (EAF)

SHORT EAF

FULL EAF (required for Type 1 Actions)

- Part 1
 - Use EAF Mapper Tool (GIS based)
 - On-line database and EAF Workbooks
- Part 2
 - Impact Assessment (either “No or Small Impact May Occur”, or “Moderate to Large Impact May Occur”)
- Part 3
 - If all questions were “no or small” – move on to Part 3 (Negative Declaration)
 - If “moderate to large” for any question – move on to Part 3, more information to help agency decide whether EIS is required

3. Coordinate Review

- Lead Agency
 - Lead Agency will Declare its Intent
 - Type I Actions require coordinated review
- Involved Agencies
 - Agencies that have approval authority
 - Will be listed in EAF Part 1
- Interested Agencies/Parties

4. Determination of Significance

Based on the Action as described in the EAF, either:

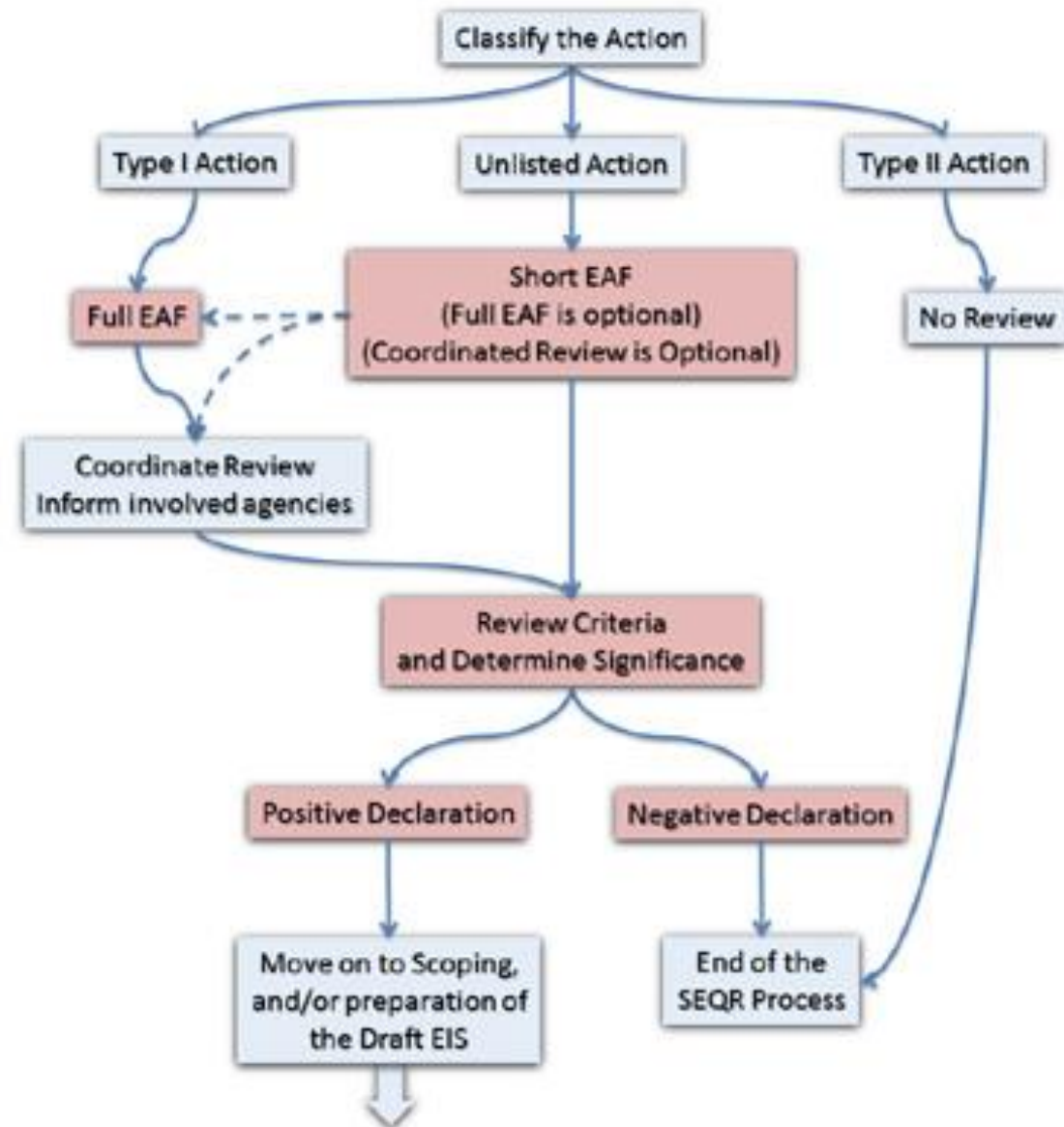
- ***NO SIGNIFICANT ADVERSE IMPACTS***

- Issue **Negative Declaration**
- This is now contained in the EAF (Part 3)
- ENDS SEQR review

or

- ***SIGNIFICANT ADVERSE IMPACTS POSSIBLE***

- Issue **Positive Declaration**
- Move on to Scoping of EIS (currently optional, soon to be mandatory)
- Preparation of EIS



5. Scoping of the Draft Environmental Impact Statement (DEIS)

Public Scoping Process

- Draft Scoping outline submitted by Applicant (“Table of Contents”)
- Public session conducted, comments heard
- Focus should be on potential adverse impacts that would affect the environment or the community, and affect decision making
- Scope should outline:
 - Level of detail, methods and extent of studies requested
 - Range of alternatives
- Scope should identify irrelevant issues *not* included and why
- Final Scoping Outline is adopted by Lead Agency

5. Prepare Draft Environmental Impact Statement

DEIS prepared according to Scoping Outline

- Environmental Setting (Existing Conditions)
- Potential Significant Adverse Impacts
- Mitigation Measures proposed or considered
- Specific Alternatives (including “No Action”)
- Address as applicable:
 - Growth Inducing impacts, Cumulative impacts, Irretrievable Commitment of Resources, Energy conservation
- DEIS Submitted by Applicant for “completeness review”

6. Determine Adequacy of DEIS

DEIS is reviewed by Lead Agency for “*adequacy and content for public review*” relative to the Scoping Outline

- Has everything in the Scope been addressed?
- Is there sufficient information for public to review?
- Two options: accept DEIS for public review or return for revision
- Lead Agency has to provide reasons why it is inadequate
- Decision to accept must be made based solely on the written list of deficiencies
- Lead Agency must determine whether to accept revised DEIS within 30 days

7. Publish Notice

Once DEIS is “complete”, Lead Agency must prepare, file and publish “**Notice of Completion**” and circulate the DEIS*.

Notice includes:

- Statement that DEIS has been accepted as complete
- Public hearing date
- “Comments due by” date
- Where DEIS can be reviewed (website and in person)
- List of Involved Agencies

*Send to all Involved and Interested Agencies, and Environmental Notice Bulletin (ENB).

8. Receive Public Comment

9. Decide whether to hold a Public Hearing

Hearing comments and written comments will be received.

- The Public
- Involved and Interested Agencies
- Lead Agency
- Consultants for Agencies

Lead Agency determines when DEIS comment period is complete (minimum DEIS comment period = 30 days)

10. Prepare Final Environmental Impact Statement (FEIS)

- All comments received are categorized by topic
- All substantive comments are to be responded to by Lead Agency (FEIS is the Lead Agency's document)
- FEIS incorporates the DEIS by reference
- FEIS is an opportunity for Applicant to refine Proposed Action
- FEIS Completeness review, Notice and Circulation

11. SEQR Findings/End SEQR Review

SEQR Finding Statement by Lead Agency

- Must be based on information presented in the DEIS and FEIS
- DEIS and FEIS combined provide the environmental record
- Separate Findings can be made by any/all Involved Agencies

The SEQR Findings Statement summarizes the “final conclusions” for the SEQR review

- Basis for conditions of approval, next steps in project review, (often includes mitigation measures required for construction or future actions)

Proposed Amendments to SEQR (2017)

Last step of multi- step process (revising the Part 617)

Purpose:

To streamline the SEQR process without sacrificing meaningful environmental review.

Objectives:

- Maintain same level of environmental protection
- Align SEQR with State initiatives
- NYSDEC used a Generic EIS to explain proposed changes
- Comment period ended May 19, 2017
- FEIS being prepared.... (Notice this spring?)

Proposed Amendments to SEQR (2017)

Proposed Changes include:

- Expanding the number of Type II Actions
- Modifying certain thresholds for Type I Actions
- Making Scoping of an EIS MANDATORY
- Making the acceptance procedures for DEISs more predictable

Proposed Amendments to SEQR (2017)

New Type II Actions (not subject to further review)

- Green infrastructure
- Co-location of cellular antennas/repeaters
- Installation of fiber optic in existing ROWs for expansion of broadband service
- Solar energy
- Minor subdivisions
- Sustainable development
- Reuse of a commercial or residential structure

Proposed Amendments to SEQR (2017)

New thresholds for Type I Actions:

(Actions more likely to require an EIS)

- Lowered thresholds for residential subdivisions
("Minor", 4 lots or less, 10 acres or less)
- Added a threshold for parking spaces in smaller communities
(parking for 500 vehicles in a city with $\leq 150,000$ population)
- Align thresholds for historic properties with other resources
(cites national and state registers, listed or eligible properties)

Making the acceptance procedures for DEIS more predictable:

(2) The lead agency will use the final written scope [, if any,] and the standards contained in this section to determine whether to accept the draft EIS as adequate with respect to its scope and content for the purpose of commencing public review. This determination must be made in accordance with the standards in this section within 45 days of receipt of the draft EIS. *A draft EIS is adequate with respect to scope and content for the purpose of commencing public review if it meets the requirements of the final written scope, section 617.9(b) of this Part, and provides the public and involved agencies with the necessary information to evaluate project impacts, alternatives, and mitigation measures.....*

The lead agency must determine whether to accept the resubmitted draft EIS within 30 days of its receipt. *The determination of adequacy of a resubmitted draft EIS must be based solely on the written list of deficiencies provided by the lead agency following the previous review.*

References:

- NYSDEC SEQR website: www.dec.ny.gov/public/357.html
- Stepping through the SEQR Process: <http://www.dec.ny.gov/permits/6189.html>
- “Proposed Changes to SEQR” (DEC PowerPoint presentation by DEC division of Environmental Permits, james.eldred@dec.ny.gov)
- State Environmental Quality Review Act – Proposed Amendments 2017 (<http://www.dec.ny.gov/permits/83389.html>)
- Proposed Amendments 2017 Fact Sheet
- SEQR regulations, 6 NYCRR Part 617 (the latest revision effective July 12, 2000)
- The SEQR Cookbook—a step-by-step discussion of the basic SEQR process
- What is SEQR—An introductory brochure
- SEQR Handbook
- Applicant’s Guide to SEQR
- Citizen’s Guide to SEQR
- Local Official’s Guide to SEQR

QUESTIONS???

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THANK YOU

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