



Department of  
Environmental  
Conservation



# 2018 Amendments to the Regulations Implementing SEQR

Presented to the CDRPC Local Gov't Workshop  
May 29, 2019

# SEQR – Overview

## The Fundamental Tenets of SEQR

1. Environmentally-Informed Government Decisions
2. Consideration of Alternatives
3. Public Disclosure of Environmental Impacts
4. Avoidance and Mitigation of Impacts
5. Contextual Impact Analysis



# A Brief History of SEQR

- National Environmental Policy Act of 1969
- State Environmental Quality Review Act of 1975
- Original SEQR Regulations adopted in 1976
- Major Amendments to SEQR Regulations 1978, 1987, 1995, and 2018



# 2018 Amendments to SEQR – Part 617

2018 amendments build upon previous improvements:

- EAFs revised to web-based forms
- GIS Mapping component added (EAF Mapper)
- Workbooks released as guidance



# DEC's SEQR Website

[www.dec.ny.gov/permits/357.html](http://www.dec.ny.gov/permits/357.html)

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- [State Environmental Quality Review Act \(SEQR\) Forms](#)
- [Environmental Assessment Form \(EAF\) Workbooks](#)
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## SEQR

**2018 SEQR Amendments** - Adopted June 27, 2018. Effective on January 1, 2019. Amendments to the regulations that implement the State Environmental Quality Review Act (SEQR) Title 6 NYCRR Part 617 to streamline the SEQR process.

### Environmental Impact Assessment in New York State

In New York State, most projects or activities proposed by a state agency or unit of local government, and all discretionary approvals (permits) from a NYS agency or unit of local government, require an environmental impact assessment as prescribed by [6 NYCRR Part 617 State Environmental Quality Review \(SEQR\)](#) (link leaves DEC website.) [Statutory authority: Environmental Conservation Law Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113]. SEQR requires the sponsoring or approving governmental body to identify and mitigate the significant environmental impacts of the activity it is proposing or permitting.

Environmental assessments are standardized through use of the Environmental Assessment Form (EAF). [The Environmental Assessment Forms](#) are in a pdf format that can be filled and saved. To assist applicants in preparing the Part 1 of either the Short or Full EAF, we have developed EAF Workbooks and a GIS mapping program (the EAF Mapper) that searches spatial data bases and provides answers to location-based questions which are automatically filled onto a pdf copy of an EAF and provided to the user. The spatial data used by the EAF mapping program to complete the new EAFs is based on the GIS data sets used and maintained by DEC, or actively maintained by various agencies and shared with DEC.

**Important Links**

- [2018 Adopted SEQR Amendments](#)
- [Final Generic Environmental Impact Statement on the Proposed Amendments to SEQR \(PDF 310 kb\)](#)
- [The New EAFs - EAFs for the 21st Century - Full Power Point Presentation \(PDF 2.52 MB\)](#)
- [Climate Change Guidance Documents](#)

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# DEC's SEQR EAF Mapper

[www.dec.ny.gov/EAFMapper](http://www.dec.ny.gov/EAFMapper)

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**Navigate To Area (Step 1)**

Go To

Select County: [SELECT]

Select Town: [SELECT]

Go

**Define Project Site (Step 2)**

Or

Area: Acres

**Create Report (Step 3)**

NEW YORK STATE OF OPPORTUNITY

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# DEC's SEQR EAF Workbooks

[www.dec.ny.gov/permits/90125.html](http://www.dec.ny.gov/permits/90125.html)

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## Part 3 - How to Determine Significance

### Short Environmental Assessment Form (SEAF)

In this section, you will revisit several pieces of Part 2 such as the scale and context of a project. The task of Part 3 is to determine the significance of an impact. However, the term 'significant' is somewhat subjective. That is because the significance of an impact is dependent on the context of the project, and the magnitude, duration, importance, irreversibility, and likelihood of that impact occurring. Each impact must be judged and weighed by these different characteristics. Similar projects may have different decisions on significance because of that.

The following steps will help you determine the environmental significance of the impacts identified in Part 2.

#### Understand What Makes an Impact Significant:

The significance of an impact is decided by evaluating the **magnitude**, **duration**, and **likelihood** of an impact occurring within the context (geographic scope, setting, and scale) of the project and project area. Each of these is described as follows:

- **Magnitude:**

Part 3 only addresses moderate to large impacts. For each potential impact being evaluated in Part 3, decide if it will be moderate or large. Magnitude reflects both the area of land as well as the amount of a particular resource or the number of people being impacted.

  - **Moderate Impact:** These are impacts that are of a size that will likely result in more impacts on one or more environmental resources but are more localized. Moderate impacts can occur when the project affects a portion of a parcel or even a larger area extending to a small area just beyond the parcel. Moderate environmental impacts


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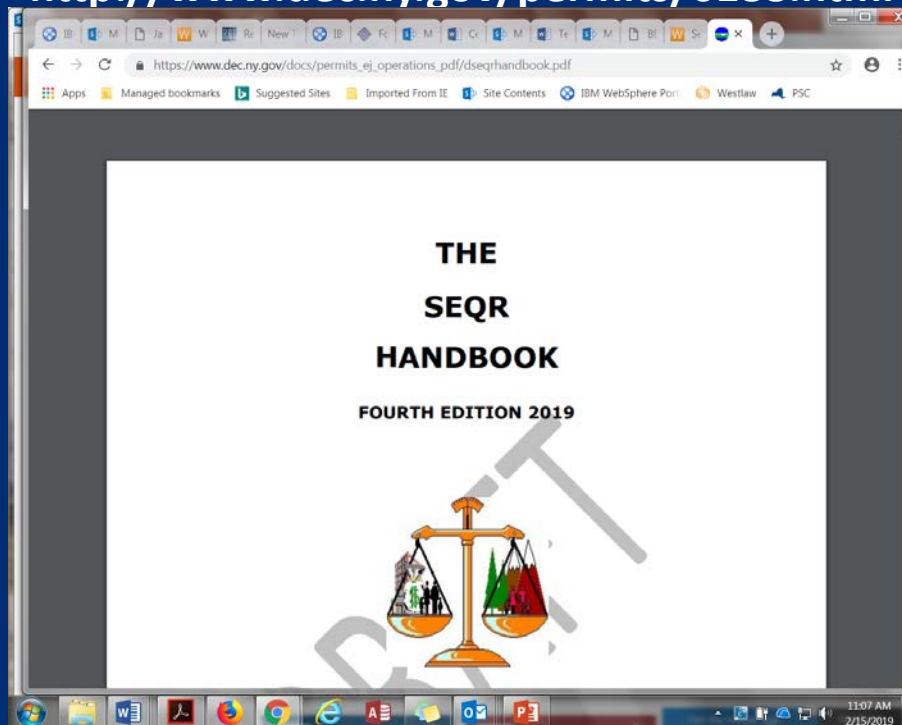
All of New York State



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# DEC's SEQR Handbook

<http://www.dec.ny.gov/permits/6188.html>



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# DEC's SEQR Cookbook

<http://www.dec.ny.gov/permits/57228.html>

## The SEQR Cookbook

*A Step-by-Step Discussion of the Basic SEQR Process*



# 2018 SEQR Amendments – Part 617

- 2018 Goal: Streamline regulatory process without sacrificing environmental protection
- Generic EIS and findings explain changes



# Timeline for 2018 SEQR Amendments

- Notice of Intent and Draft Scope - July 11, 2012
- Final Scope - November 28, 2012
- Proposed Rule and Draft GEIS – January 20, 2017
- Revised Rule and Revised Draft GEIS – April 4, 2018
- Rule Adopted - June 27, 2018
- Rule Effective - January 1, 2019



# Overview of Amendments

- Type I List
- Type II List
- EIS Scoping
- EIS Preparation
- Document Preparation
- SEQR Fees



# 2018 Amendments – Where to find Documents

<https://www.dec.ny.gov/permits/83389.html>

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## State Environmental Quality Review Act - Adopted Amendments 2018

The New York State Department of Environmental Conservation (DEC) announces the adoption of revisions to the regulations that implement the State Environmental Quality Review Act (SEQR) to streamline the SEQR process without sacrificing meaningful environmental review.

Among other changes, DEC has adopted amendments to the Type I and Type II lists of actions, as well as the scoping and acceptance procedures for draft environmental impact statements. DEC has also modernized the regulations related to web publication of documents. These changes are the first major amendments to the SEQR regulations that DEC made since 1996.

DEC initially noticed its proposal along with the availability of a combined Draft Generic Environmental Impact Statement and SAPA statement in the February 8, 2017 editions of both the State Register and Environmental Notice Bulletin. The comment period continued through May 19, 2017. In response to the many comments received, DEC modified the proposal and noticed a revised proposal along with the availability of a Revised Draft Generic Environmental Impact Statement in the April 4, 2018 editions of both the State Register and Environmental Notice Bulletin. The comment period continued through May 11, 2018, during which the Department received approximately 31 comments in response to the revised proposal. Comments were assessed and responded to in the FGEIS which the Department accepted on June 13, 2018. On June 27, 2018, DEC issued a Findings Statement and formally adopted the rule, which will become effective on January 1, 2019.

The Final Express Terms of the revisions, along with the Findings Statement, FGEIS and other key regulatory documents leading up to the FGEIS may be downloaded from the links set out below.

These documents are also available at the NYS DEC Central Office, located at 625 Broadway, Albany, NY 12233. Contact: James Eldred; E-mail: [SEQRA617@dec.ny.gov](mailto:SEQRA617@dec.ny.gov); Phone (518) 402-9167.

[Findings Statement 2018 Amendments to 6NYCRR Part 617 \(PDF, 436 KB\)](#)

[Final Express Terms 2018 Amendments to 6NYCRR Part 617 \(PDF, 100 KB\)](#)

[Final Generic Environmental Impact Statement \(FGEIS\) \(PDF, 1.9 MB\)](#)

[Proposed Amendments to 6NYCRR Part 617, Revised Draft Express Terms \(PDF, 232 KB\)](#)

[Revised Draft GEIS and SAPA Impact Statements \(PDF, 1.8 MB\)](#)

[Proposed Amendments, Revised Full EAF Part 1 \(PDF, 398 KB\)](#)

[Proposed Amendments, Revised Full EAF Part 2 \(PDF, 554 KB\)](#)



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# Type I List

Lowered thresholds for residential units:

- From 250 to 200 units - pop. 150,000 or less
- From 1,000 to 500 units – pop. 150,001 to 999,999
- From 2,500 to 1,000 units – pop. 1,000,000 or greater



# Type I List

Added a threshold for parking spaces in smaller communities:

- 500 or more vehicles – pop. of 150,000 or less
- 1,000 or more vehicles – pop. of 150,001 or more

# Type I List

- Adds thresholds to historic properties similar to other sensitive resources
- Adds “eligible” historic properties
- Eligible properties will now appear on EAF Mapper



## Type II List

- Upgrading buildings to meet state energy code



# Type II List

- Green infrastructure



## Type II List

- Installation of telecommunications cables in ROWs with trenchless burial or use of existing poles

# Type II List

- Conveyances of land in connection with 1-3 family residence

# Type II List

- Solar (on rooftops, landfills, brownfield and Superfund sites, wastewater treatment facilities, parking lots/garages and industrial areas)



# Type II List

- Lot line adjustments



# Type II List

- Reuse of a commercial or residential structure



# Type II List

- GML §§ 239-m or 239-n planning recommendations





# Type II List

- Acquisition/dedication of parkland or conservation easement



# Type II List

- Conveyance of property by public auction



# Type II List

- Organic digesters at operating municipal landfills



# Scoping

- Scoping will be required for all EISs (similar to Federal and NYC requirements) except for supplemental EISs
- New process for late-filed comments on scope

# EIS Preparation

- Clarify procedures to define when a DEIS is adequate for public review
- Addition of requirement, where relevant, to evaluate measures to avoid or reduce an actions impact on climate change and associated impacts of flooding and sea level rise.

# Document Preparation and SEQR Fees

- Draft and final scopes must be noticed in the ENB
- Draft and final scopes, as well as draft, final and supplemental EISs must be posted on a publicly available website

# Q&A

# Contact Information

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(regulatory documents)

