



Updates to SEQR

July 17, 2013

Land Use Training Series

Cayuga County Planning Board

Presented by the Cayuga County

Department of Planning and Economic Development

SEQR

State Environmental Quality Review

- State Environmental Quality Review Act (SEQRA) first took effect November 1978
- Codified in Article 8 of the New York State Environmental Conservation Law
- Regulations at 6 NYCRR Part 617

SEQR

- SEQR is a necessary part of all actions by Planning Boards, Zoning Boards of Appeals, Town and Village Boards.
- Process is there to make sure that environmental concerns are given due consideration.
- Best to see SEQR as a tool to help your decision making. There are a lot of rules and procedures to go through, but if you are familiar and comfortable with the procedures, you can use the process to concentrate on the environmental issues.
- Environmental assessment should be one of the first issues to discuss with applicants.

Purpose of SEQR

Protection of the Environment

USDA NRCS, Photo by Gary Kramer



USDA-NRCS PLANTS Database,
Photo by Clarence A. Rechenhain,



Purpose of SEQR

The “Environment” includes:

- Land
- Air
- Water
- Minerals
- Flora (Plants)
- Fauna (Animals)
- Noise
- Human Health
- Resources of agricultural, archeological, historic, or aesthetic significance
- Existing patterns of population concentration distribution or growth
- Existing community or neighborhood character

Purpose of SEQR

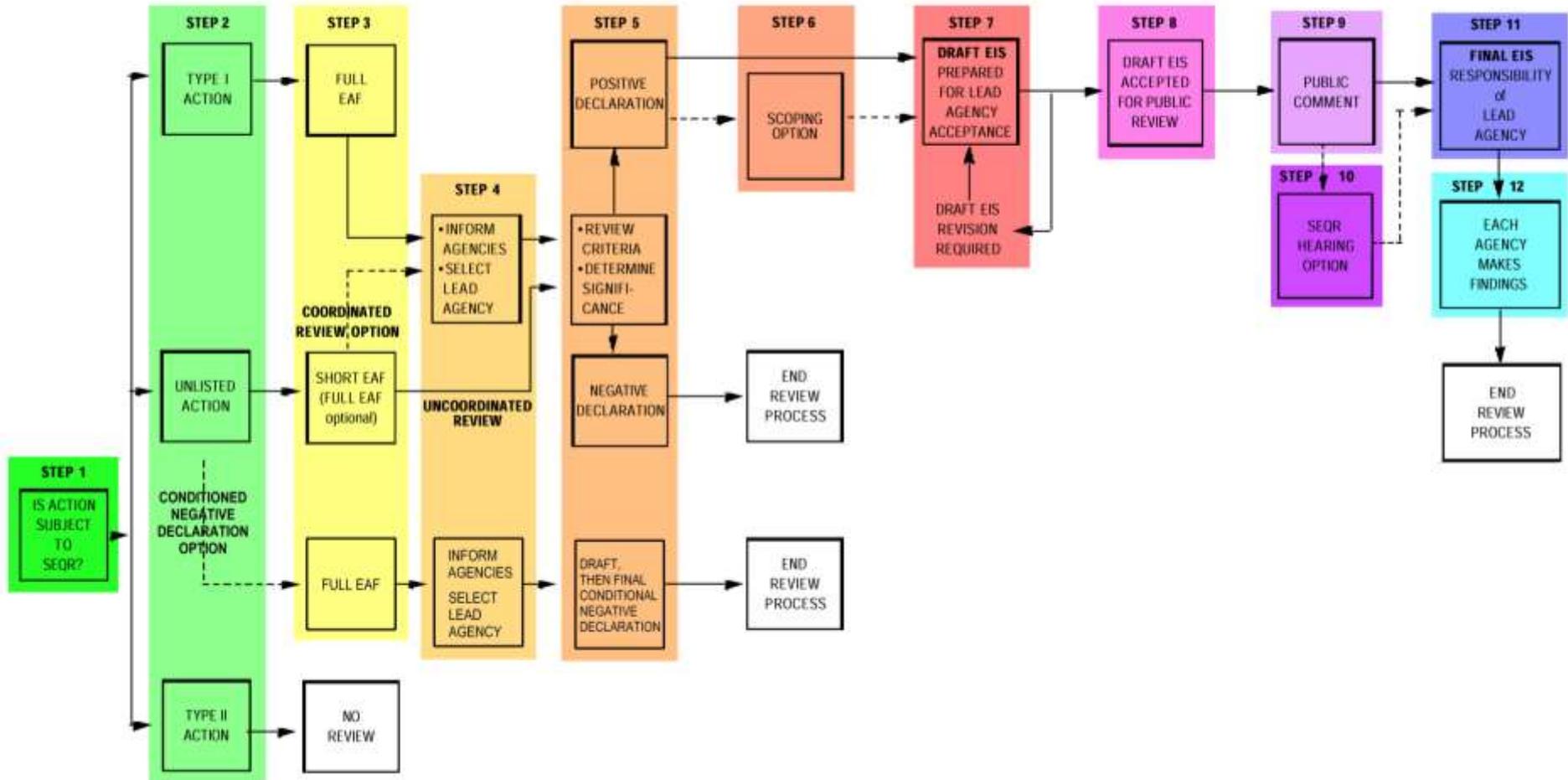
SEQR should be redundant. You are already considering these issues.

- Process is there to make sure that environmental concerns are given due consideration.

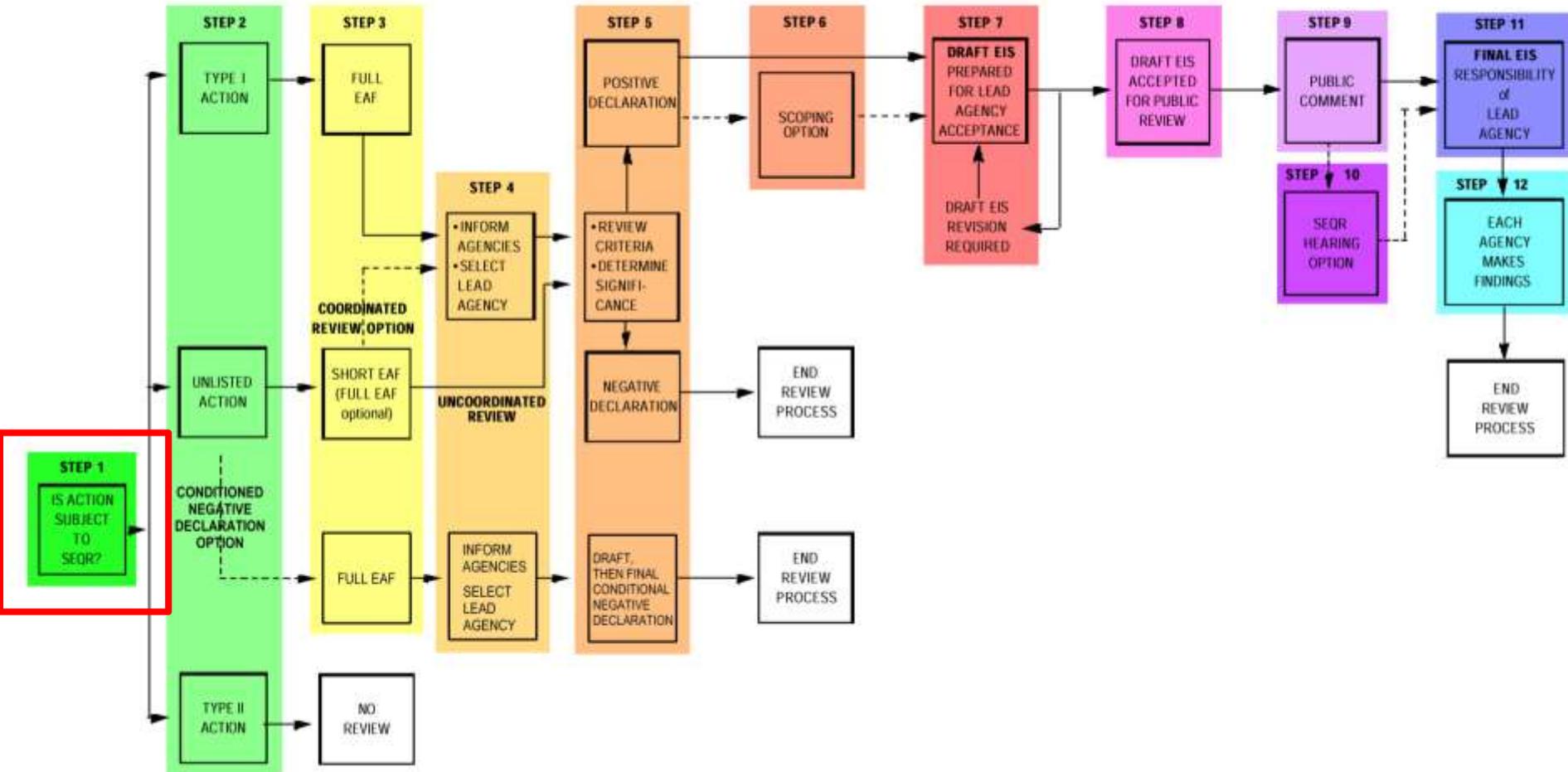
Environmental issues are not the only consideration. Other considerations include for example:

- Economic Impact
- Architectural Design
- Direct effect on neighboring properties (that may not rise to the level of “significance” for SEQR)

The SEQR Process



Step 1: Is the Action Subject to SEQQR?



Actions

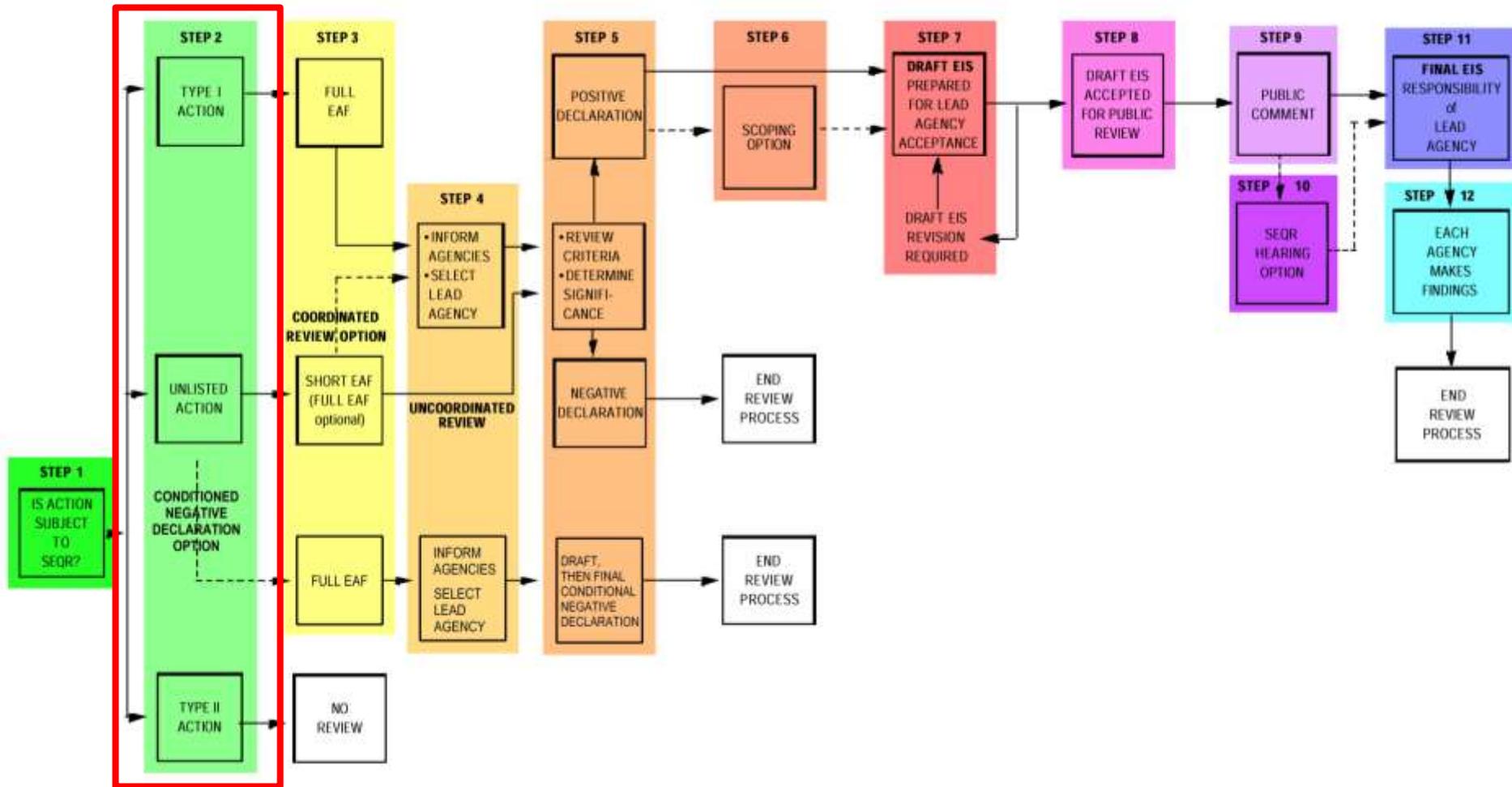
SEQR applies to **Discretionary Actions**



- Undertaking, funding, or approving projects or physical activities
- Planning & policy making activities
- Adopting rules, regulations & procedures
- Any combination of the above

You must consider environmental review of the “whole action.” No “segmentation.”

Step 2: Classify the Action



Classifying Actions

National Archives, Photo by John L. Alexandrowicz



Big Impact



USDA NRCS, Photo by Stephen Kirkpatrick

No Impact

← **Actions** →

Type I

Unlisted

Type II

Type II Actions

Categorically determined NOT to have a significant adverse impact on the environment

Examples:

- Maintenance or repair
- Farm management practices
- Construction or expansion of a single-family, two-family, or three-family residence

No further environmental review required.

Unlisted Actions

Not Type I or Type II

Examples:

- Non-residential structures between 4,000 and 100,000 gross square feet
- Local laws regulating land use that affect < 25 acres

Environmental review must continue.

Type I actions

Presumed to have a significant adverse impact on the environment

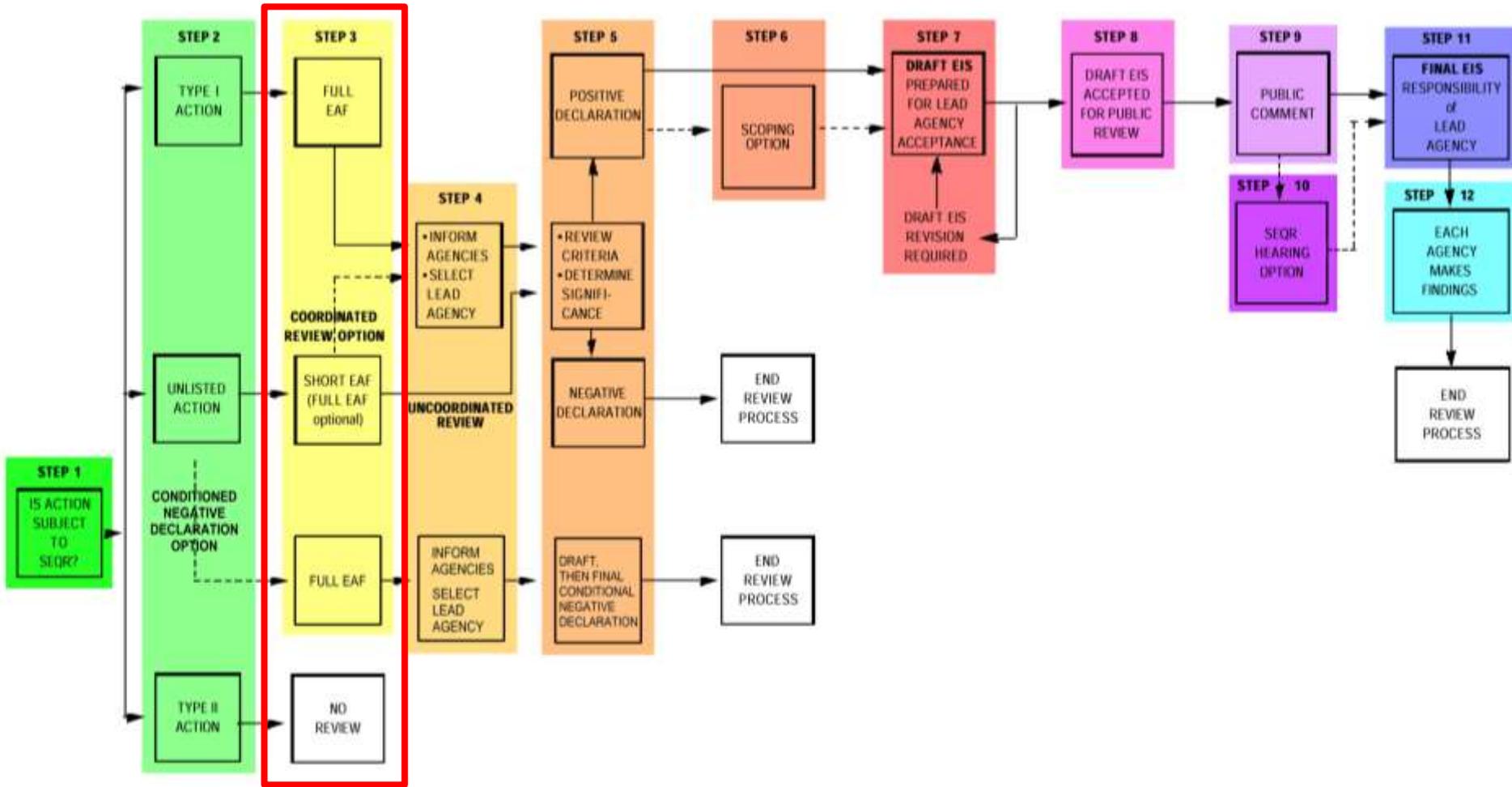
- More likely to require the preparation of an EIS

Examples:

- Adoption of a municipality's land use plan (including comprehensive plan)
- Local laws regulating land use that affect ≥ 25 acres
- 50 residential units not connected to public water and sewer, or 250 units connected
- Non-residential structures with more than 100,000 square feet of gross floor area

Environmental review must continue.

Step 3: Complete the EAF



Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor, give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

Full EAF

Applicants or projects sponsors must submit an Environmental Assessment Form (EAF) for the environmental review.

- Type I actions must use the longer "full" EAF.
- Unlisted actions can also use the full EAF.

Short EAF

Unlisted actions can use the short EAF.

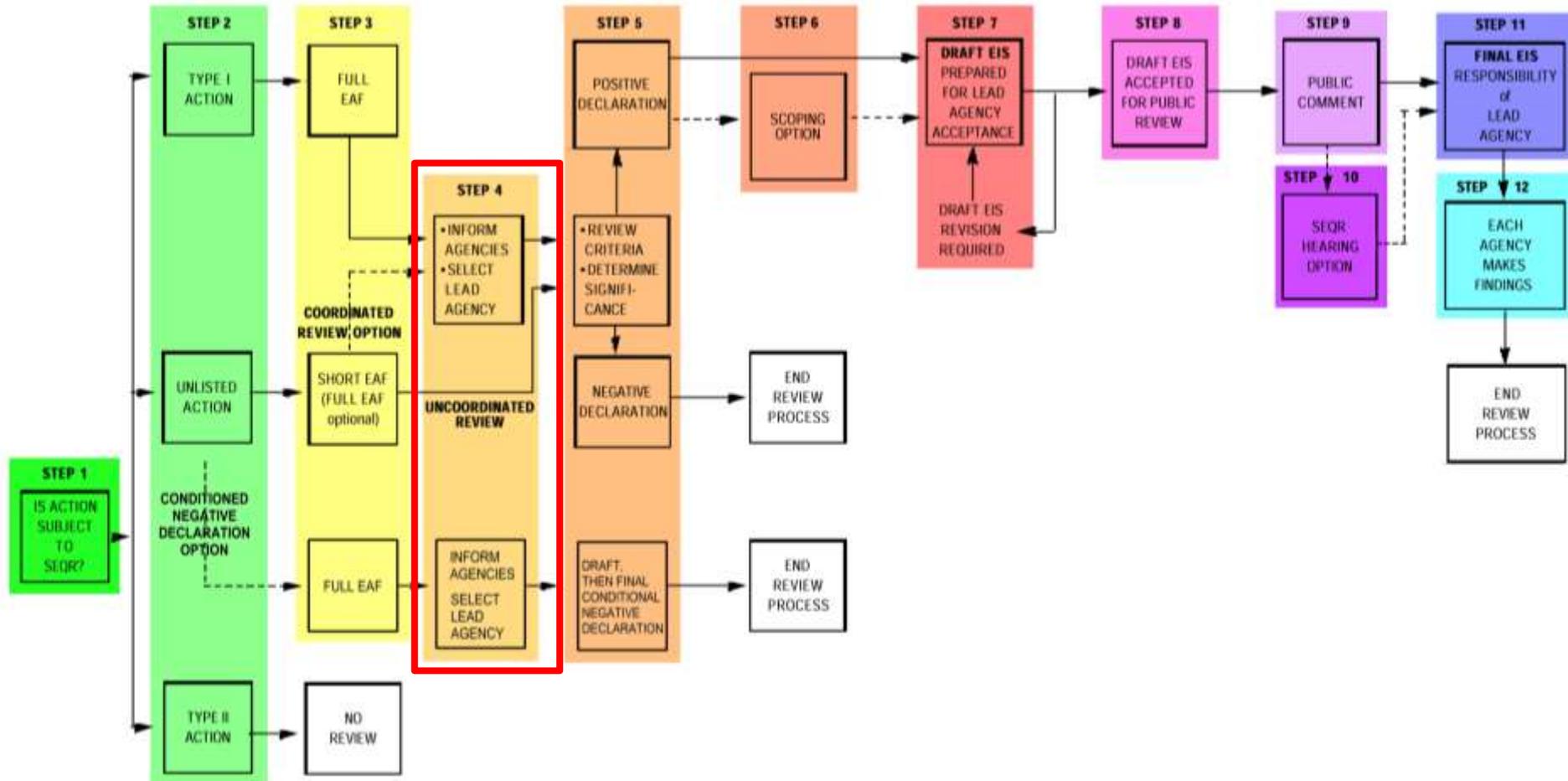
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				

Step 4: Coordinate Review



Agencies

Regulations define agency as any state or local decision-making body, but only state or local (not federal, not private).

- Lead
- Involved
- Interested

Agencies

Lead Agency

- The one agency that takes the lead on environmental review.
- Should be the agency closest to the action and principle responsible for undertaking, funding, or approving the action.
- Example: lead agency for subdivision application might be town planning board.

Agencies

Involved Agency

- Any agency that has jurisdiction to make a discretionary decision to fund, approve, or directly undertake the action (even if it has not received an application yet).
- The lead agency is always one of the involved agencies (and sometimes the only involved agency).
- Example: NYS DOT for highway permit, NYS DOT for wetlands permit, other state agency for funding.

Agencies

Interested Agency

- Any other agency that will not make a discretionary decision on the action, but wishes to participate in the review process because of specific expertise or concern.
- Participate in the review process the same as a member of the public.
- Example: County Planning Board, federal agency.

Review

Coordinated Review

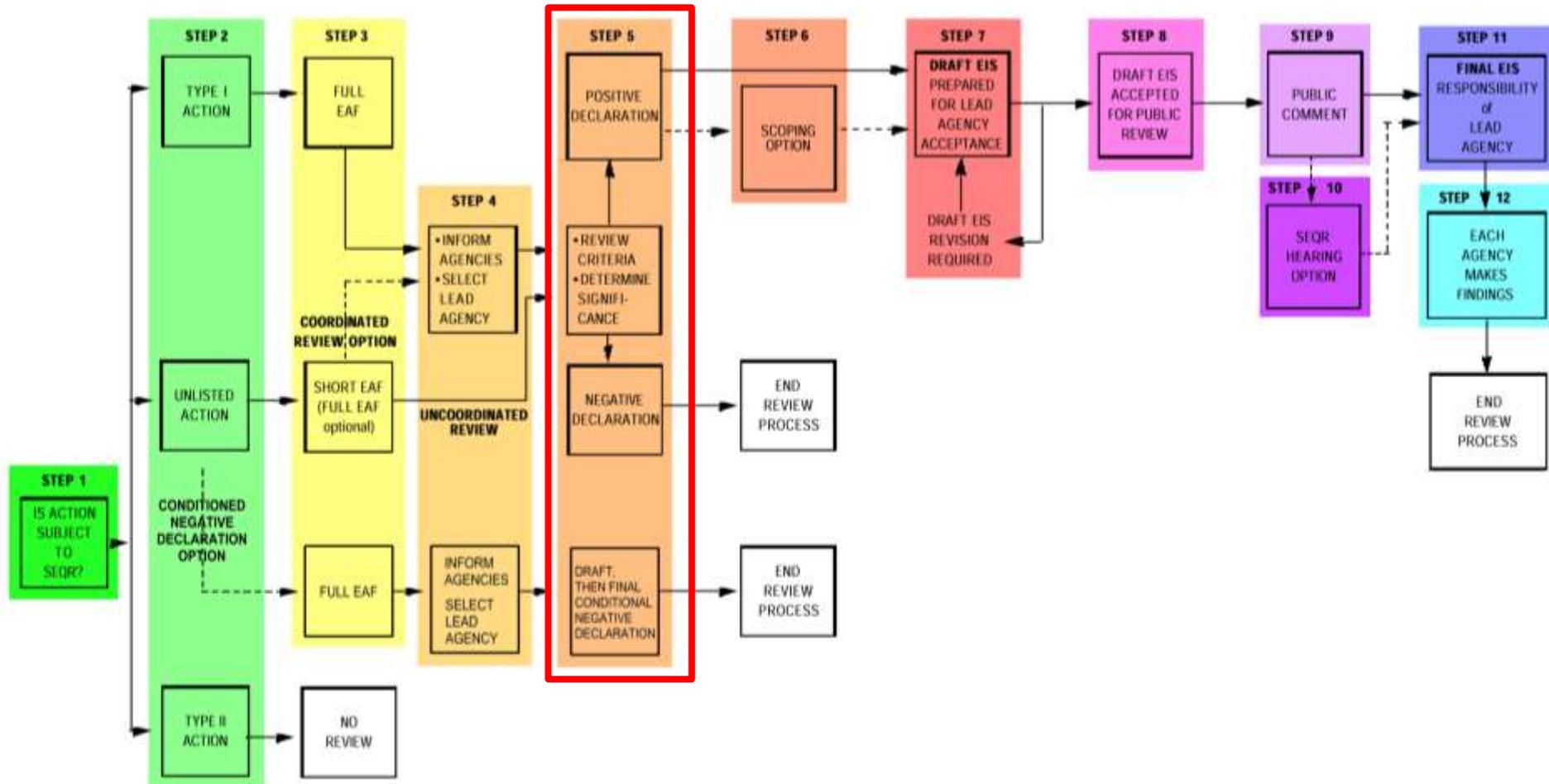
- Lead agency contacts other involved agencies to ask for their comments
- Type I actions must have coordinated review
- Unlisted actions may have coordinated review

Uncoordinated Review

- Each agency does its own environmental review
- Only possible for unlisted actions

Conduct the review based on
the information in the EAF

Step 5: Determine Significance



Determination of Significance

Based on information in the EAF

Criteria to consider:

- Adverse changes to the environment
- Reduction of wildlife habitat
- Hazard to human health
- Substantial change in the use of land
- Creating a conflict with adopted community plans or goals
- Impairment of “community character”

Determination of Significance

- Review Projects in Context
- Review the “whole action”
- Identify all relevant impacts
- Analyze and take a “hard look
- Provide written reasons why impact may, or will not be significant

Determination of Significance

Will the action have a potential significant adverse impact on the environment?

Yes



Positive Declaration
Prepare an EIS.

No



Negative Declaration
SEQR is complete.

No, so
long as...



Conditioned Negative
Declaration

Determination of Significance

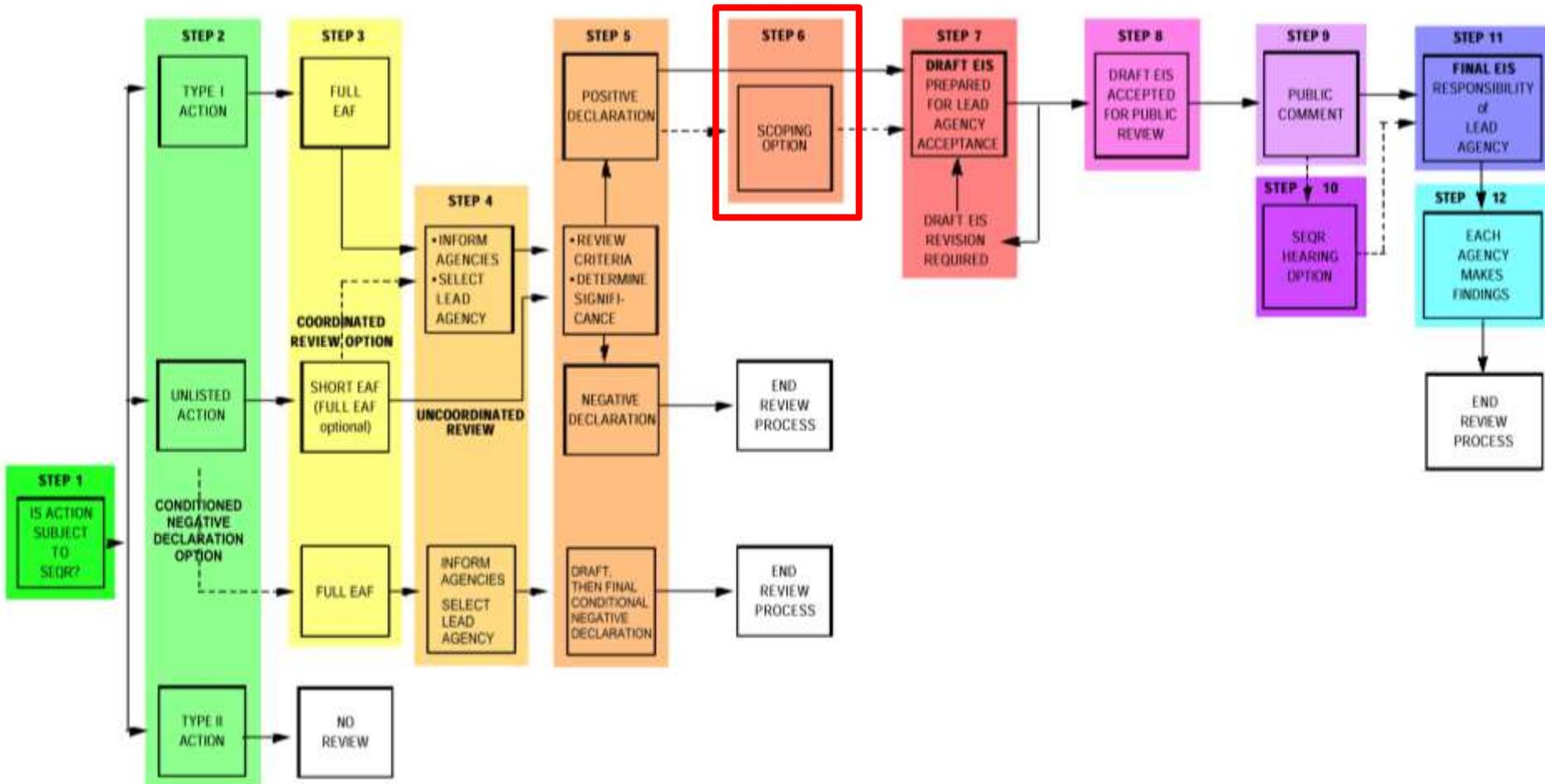
Conditioned Negative Declaration

- Only possible for Unlisted Actions.
- If you have a Type I action and you think that conditions might be able to eliminate or mitigate all of the significant environmental impacts, use the EIS to analyze those conditions.

Environmental Impact Statement

- Identifies and analyzes significant adverse environmental impacts
- Evaluates alternatives to avoid those impacts
- Discusses mitigation measures which could minimize impacts
- Analytic, not encyclopedic

Step 6: Scope the EIS



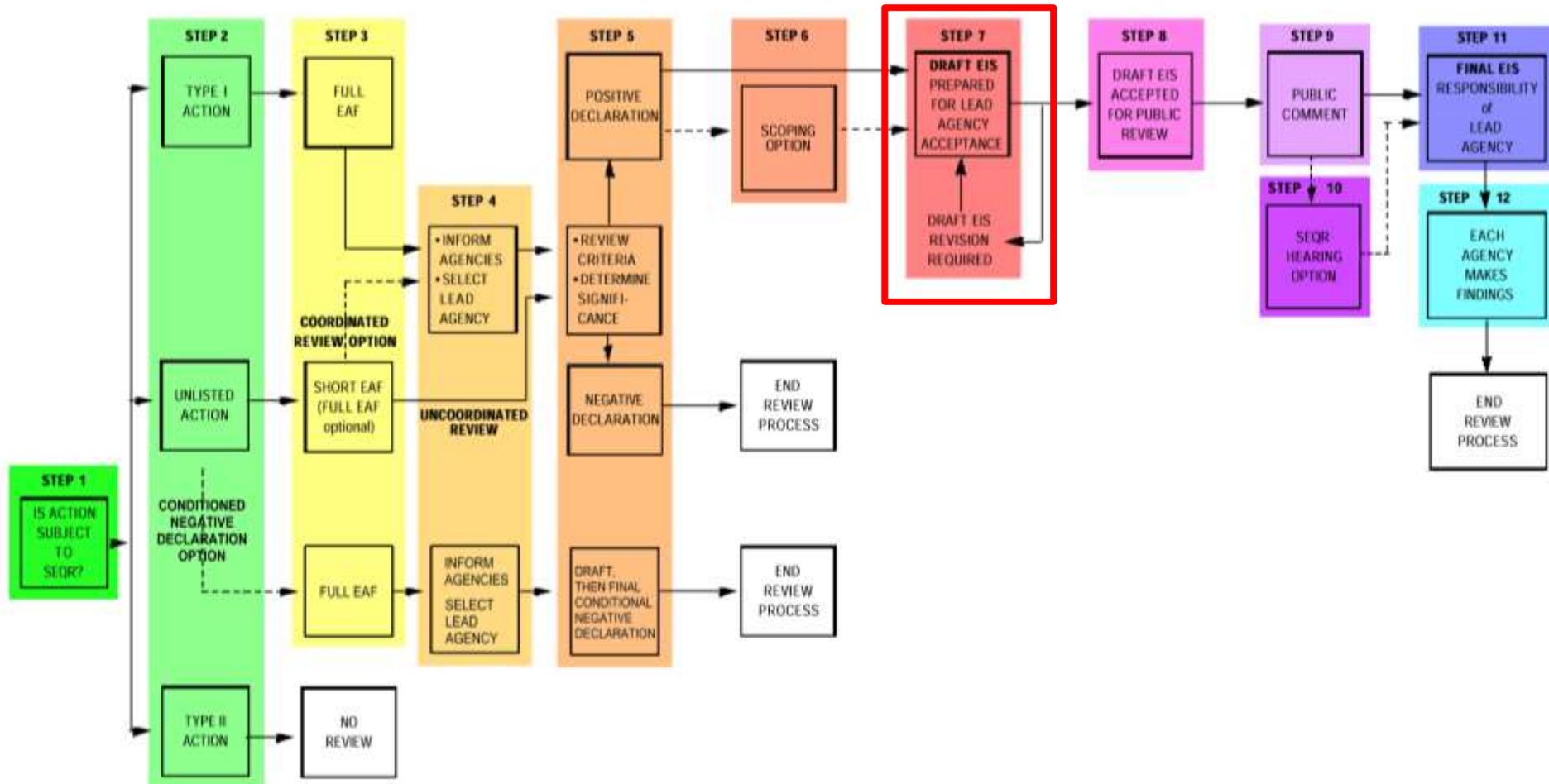
Scoping the EIS

- Focus the draft EIS on significant issues
- Identify what information is needed
- Eliminate non-significant issues
- Identify alternatives
- Identify mitigation measures

Scoping the EIS

- Best if lead agency provides a scope to the project sponsor, but the sponsor can start by submitting a draft scope.
- Just the significant issues. Not all issues.
- Scoping is currently optional, but always recommended. Proposed changes to regulations would make scoping mandatory.
- There must be some opportunity for public comment on the draft scope.

Step 7: Prepare the Draft EIS

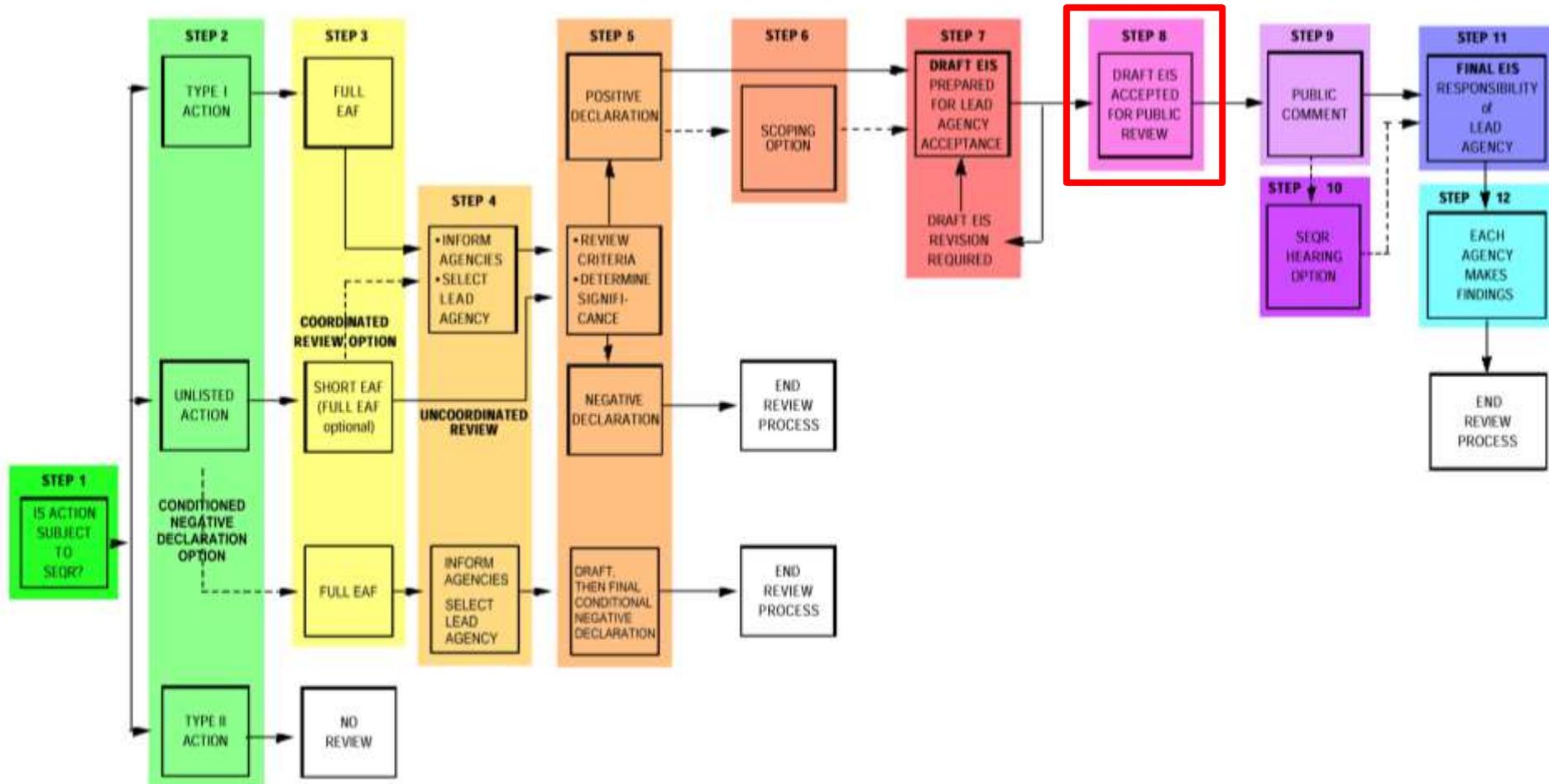


Prepare the Draft EIS

Who prepares draft EIS?

- Either lead agency or applicant
- Most common is for applicant to prepare the draft.

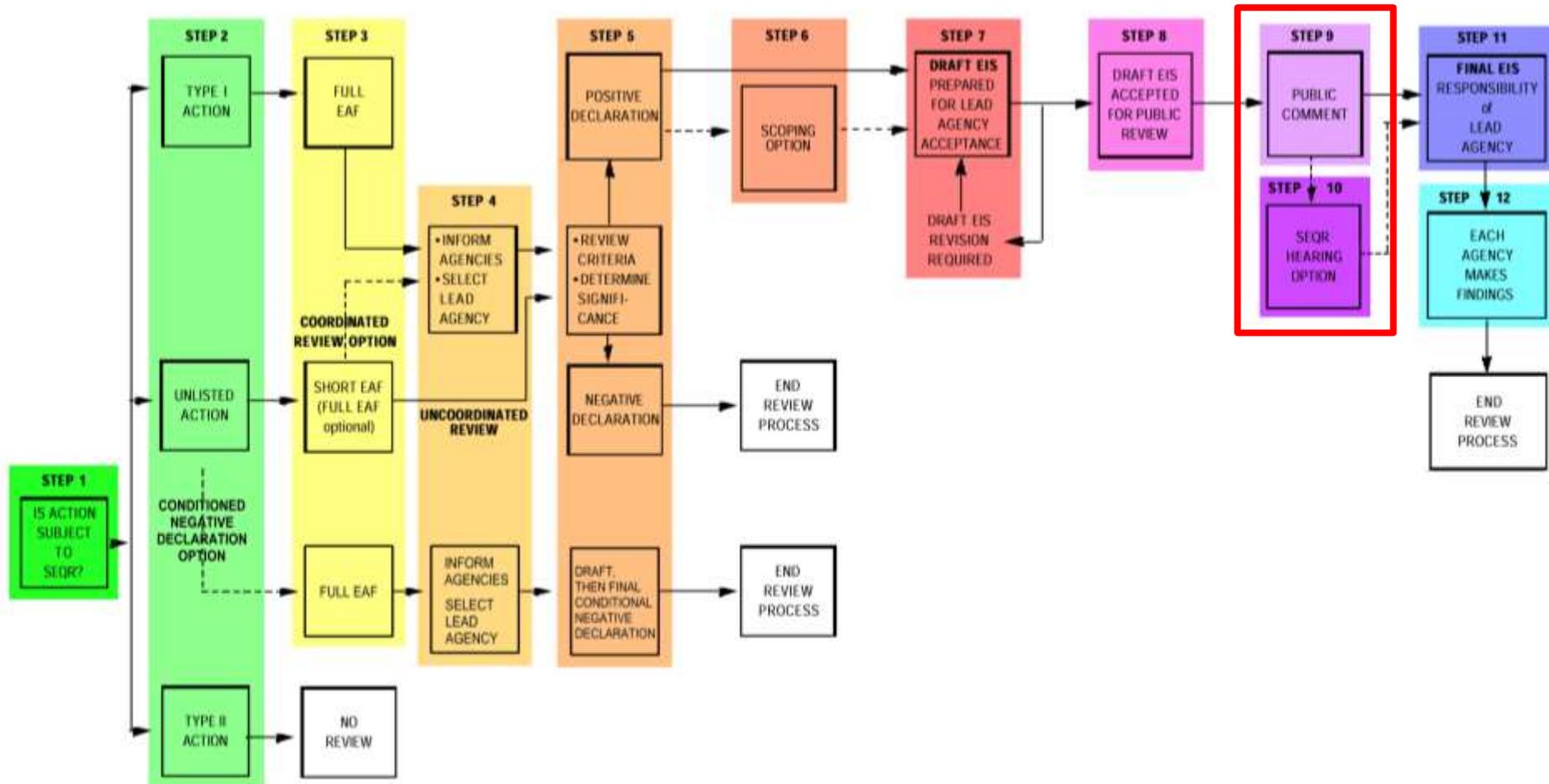
Step 8: Accept the Draft EIS



Accept the Draft EIS

- Subdivisions application are not complete, and the clock does not start running, until there is either a negative declaration or an accepted draft EIS.
- Lead agency can charge a fee to the applicant to cover the costs of either preparing a draft or final EIS, or reviewing a draft and final EIS (but not both).

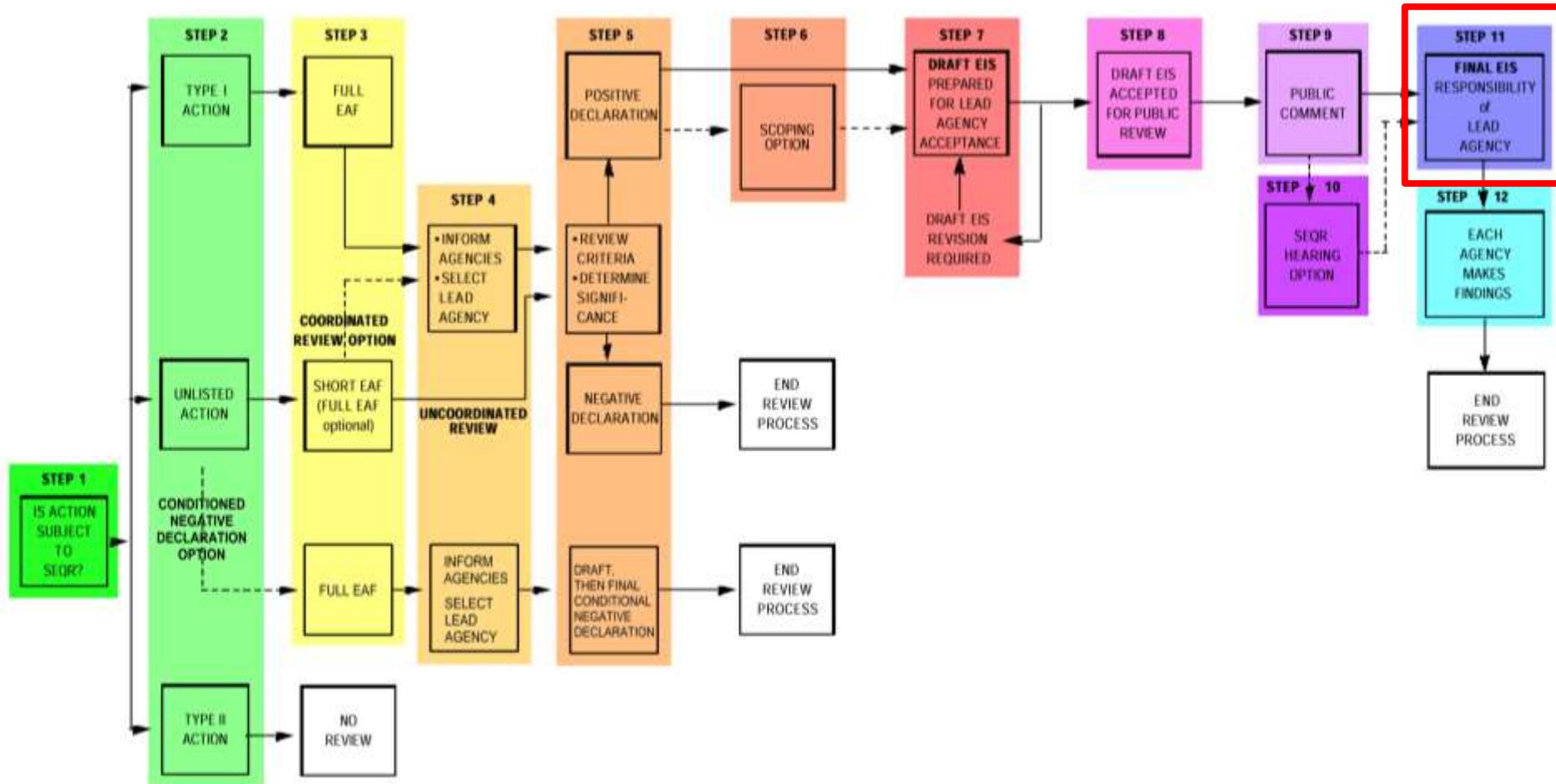
Steps 9 and 10: Public Comment



Public Comment

- Lead agency must provide opportunity for public comment, but that opportunity does not have to be a public hearing.
- Public hearing is optional.
- If a public hearing is held, it should be concurrent with any other required hearing (e.g. for subdivision review).

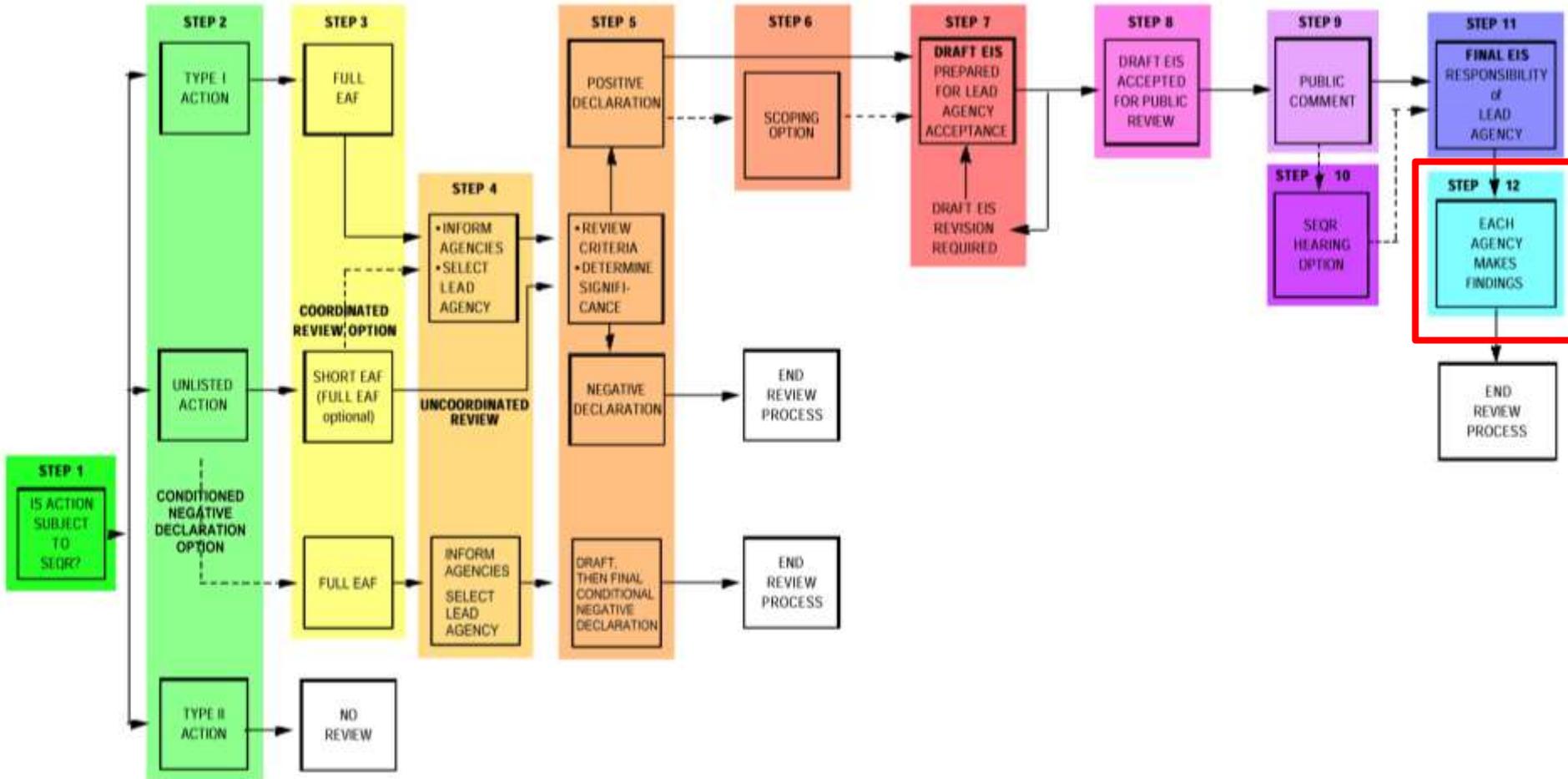
Steps 11: Prepare the Final EIS



Prepare the Final EIS

- Final EIS is the responsibility of the lead agency.
- Lead agency can make the applicant write EIS, but it must represent the lead agency's assessment of the proposed project.

Steps 12: Make Findings



Findings

- Findings certify that:
 - Selected alternative avoids or minimizes significant adverse environmental impacts to the maximum extent practicable, and;
 - Mitigation measures incorporated in project, or conditions of approval will avoid or minimize all significant adverse environmental impacts

Each involved agency makes
its own findings

Conditions

Agencies are empowered to impose substantive conditions (even beyond the agency's normal scope of authority) so long as the conditions are practicable and reasonably related to impacts identified in the EIS.

Three ways to impose conditions:

- Conditioned Negative Declaration (only for Unlisted Actions)
- Conditions in Findings (only after EIS)
- Conditions in Final Decision (must be within the agency's scope of authority)

And last of all...

Final Decision

Updates to SEQR

- Regulatory Changes
- Form Changes

Changes to SEQR Regulations

Full details on the web:

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

Changes to SEQR Regulations

Changes to Type I actions:

- Lowers threshold of residential units from 250 to 200 (for municipalities with populations lower than 150,000)
- Lowers threshold of parking from 1,000 vehicles to 500 vehicles (for municipalities with populations lower than 150,000)
- Creates 25% threshold when action is near a historic site

Changes to SEQR Regulations

Changes to Type II actions:

- New exemption for disposition of land, by auction, where there is no discretion on the part of the disposing agency on the outcome
- New exemption for reuse of a residential or commercial structure
- Expands exemption for lot line and area variances to apply in any case that does not increase allowable density (not just single-family homes)

Changes to SEQR Regulations

Changes to Type II actions continued:

- New exemption for minor subdivisions, by local definition or up to four lots
- Explicit exemption for recommendations by county agencies under GML §239-m or n
- New exemptions for larger commercial sites in “municipal centers”
- New exemption for installing rooftop solar arrays
- New exemption for installing cellular antennas on existing structures
- New exemption for brownfield site clean-up agreements

Changes to SEQR Regulations

- Scoping becomes mandatory
- Lead agency can charge fees to applicant, but the applicant can request copies of invoices or statements of work

Changes to EAFs

<http://www.dec.ny.gov/permits/70293.html>

- Short form is longer, provides more detail
- Full EAF still long, but questions are grouped more logically
- Workbooks
 - For Full EAF: www.nysfeaf.net
 - For Short EAF: www.nysseaf.net



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SEQR Environmental Assessment Forms Guidance Documents (Workbooks)

Note: This workbook is still in draft form, and is not ready for public use. It should not be relied upon when filling out the EAF forms until it is finalized.

EAF Workbooks - Home

On January 25, 2012, the NYS Department of Environmental Conservation (DEC) adopted revised model environmental assessment forms (EAFs). This was the first major update to the Full EAF (FEAF) since 1978 and to the Short EAF (SEAF) since its last revision in 1987. These revised model EAFs are set out in Appendices A and B of 6 NYCRR 617.20.

The new forms are designed to reflect changes in environmental concerns that have occurred since the previous forms were last published. In addition to changes in their content, the structure of the forms was also updated to make them easier to use. During development of the new Short and Full EAF's, some concerns were raised about the level of detail needed to complete the new forms. As a result, the DEC has developed this website to provide instructions, background information, links to maps and illustrations, and additional guidance for completing the forms. The information provided within this website is generally referred to as the SEAF and FEAF "Workbooks".

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[DRAFT Full EAF \(PDF\)](#)

Tools

[Printable PDF version of the FEAF Workbook](#)

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SEQR Environmental Assessment Forms Guidance Documents (Workbooks)

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Scope of the Workbooks

The focus of these Workbooks is only on the Environmental Assessment Forms (EAFs) themselves. They are not meant to be an aid to the entire SEQR process. The EAFs are

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Contact

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